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WHAT IS SOCIALISM?

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6737

I

WHAT is Socialism? What are its aims? What does it seek to accomplish? What are its articles of faith? Why has it taken such tremendous hold on the educated as well as the ignorant that it threatens the destruction of society? If Socialism succeeds and Socialists come to be in the majority, will the world be happier, better, more virtuous; will life be made easier? These are some of the questions I have asked myself, after a careful study of the writings of the leading authorities on Socialism, which I shall endeavor to answer through the pages of this REVIEW.

What is Socialism? Here at the very threshold of the inquiry one runs, not against a closed door, but a door that swings both ways and leads to more than one passage. It must first be determined whether the speech or writings of a man calling himself a Socialist are those of an evolutionary or a revolutionary Socialist, for although both have the same end in view they reach it by different means. Such men as H. G. Wells, Bernard Shaw, Sidney Webb, to mention only a few of the most distinguished in England, and Victor Berger, John Spargo, and Robert Hunter in this country, are evolutionary Socialists; while Keir Hardie, Tom Mann (who was recently sentenced to prison for six months for

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trying to corrupt the British army), and Victor Grayson there, like Eugene V. Debs, W. D. Haywood, and the McNamara brothers here, are revolutionary Socialists. What is the difference in their methods and aims? In what do they agree? What is the common object for which they are striving, even though their policy may be different?

Before entering on an examination of these questions it is not out of place to say that the opponents of Socialism have too often approached the subject in a wrong spirit. They have been persuaded to regard Socialism as a disease and Socialists as vicious or ignorant persons laboring under a temporary obsession who needed only to be sternly scolded to be made to see their stupidity; or if they were not stupid, but simply criminal, then they must be treated like other malefactors and punished for trying to overturn an accepted law of society. Or they have regarded Socialism as something not to be taken seriously and not to be met with serious argument, but to be ridiculed or denounced, forgetting that the blood of the martyrs is the seed of the Church and that in our day ridicule and denunciation have taken the place of the fagot and the rack. Or they have complacently dismissed Socialism as a dream, theoretically admirable, but practically impossible; and as this is an intensely practical age, the Socialist, they say, will outgrow his folly just as the child does who in infancy longed for the moon and forgets when given a new toy, for it is only idealists who pursue with one-ideaed persistence the unattainable. Finally, against Socialism are turned the guns of the Church and morality; Socialism is pronounced destructive to religion and subversive of morality; logically, therefore, a Socialist must be irreligious and unmoral; an enemy of society to be treated as a social pariah.

In every movement in which men are earnestly engaged, which they regard as vital for the good of mankind, which they honestly believe is for the advancement of society, the happiness of humanity, or the welfare of the individual, there are always to be found at least some elements of truth even if the cause is wrong and the zeal of the missionaries outruns their judgment and fanaticism engulfs charity. No really great cause can succeed without its fanatics, who are always the pioneers to prepare the way for a more refined civilization. Both Socialists and anti-Socialists are wrong, not entirely, but in part, because they are unable to see that

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there may be a measure of truth in what the other claims. Both Socialists and anti-Socialists are right, not entirely, but in part, because each sees the weakness of the other's position and yet is unable to see that what now seems to be hopelessly irreconcilable is capable of reconciliation if justice and charity are substituted for the fagot and the rack.

Socialism is to be regarded neither as a disease—unless we look upon all ignorance as a sign of intellectual weakness—nor as the vagary of disordered minds. It is something far deeper than that. It has taken too firm a hold to be destroyed by a phrase. It would be an insult to intelligence, to the intelligence of the writer no less than to that of the reader, to attempt to dispose of such men as Wells and Shaw and Webb, and the thousands of others less well known, but almost their equal mentally, by branding them stupid or unintellectual, incapable of thinking for themselves, insincere, deluded, or dishonest. There may be, as there doubtless are, stupid or base or selfish Socialists, just as there are unworthy protectionists or free-traders, homeopaths or allopaths, lawyers, and clergymen, for man is the sum total of his temptations and environment and training; but human nature is as little influenced by the individual's economic belief as it is by the color of his coat. Even the most violent anti-Socialist, if a protectionist, would resent the imputation flung at him by the free-trader that all protectionists are fools or knaves and usually a combination of both. Let us, therefore, dismiss the idea that for a man to avow a belief in Socialism is to confess stupidity or dishonesty. It will make the problem easier if we stop calling names and concede to our opponents the same virtues we modestly claim for ourselves.

Nor is it judicious to look upon Socialism as a phase of evolution, of serious consequence for the moment but without permanent results. The wisest and most ignorant cannot be brought under the same influences without character being modified. A belief in Socialism permeates all classes, all ranks of society, all countries. Great thinkers and the unlettered peasant are its disciples. It is the one thing to destroy nationalism and to break down the barriers of creed and race, to merge class, to bring about that dreamed-of dream of the visionary, the reduction of society to a common level, which would result in dull mediocrity, stifle incentive, destroy initiative, and set back the progress of the

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world. Socialism is a plant that thrives luxuriantly in all soils. It throws out its roots in the workshop, the factory, the mine, the college; it loses few adherents and gains many recruits. There are more Socialists to-day than there were last year, many more than there were ten years ago. And every year they become not less, but more sincere in their convictions, more firmly convinced of the justice of their cause, greater in their faith that ultimately they will prevail. The anti-Socialist who thinks the Socialist is not to be taken seriously is as wise as Pliny, who showed his philosophy in the face of the eruption of Vesuvius and perished for his temerity. Philosophy is a very valuable quality, but common sense is even more valuable at times.

Socialism is a dream, but its believers are not dreamers. We who see in it the realization of the impossible may be justified in calling them visionaries, but to the very practical men who are the rank and file of Socialism there is nothing about it that to them seems impractical. It is no closet philosophy, and its high priests are not mystics. The man who thinks and works with his hands has neither time nor inclination to indulge in vague speculations. He is a materialist through the association of ideas, for under his hands the material shapes itself, but the spiritual has no place. To the miner working in the bowels of the earth coal is simply coal—to be expressed in the terms of so much labor, so many dollars, so much clothing and food, perhaps a little happiness; more often misery and death; but the wonder of Nature's workshop does not touch him; the imagination that can conceive trees and leaves slowly transformed into coal through ten thousand years, there to lie for another decade of centuries until it is dug out by his own hand so it may give him warmth and cook his day's food is denied him. These are the practical men to whose materialism Socialism makes its appeal. Socialism glorifies the material and debases the spiritual.

Socialism cannot be combated by the attempt to outlaw it as an enemy of religion or morality. We have come to that time in the world's history when we live in a secular and not a theological age; and while religion enters into man's life, it is apart from it and not a part of it, as it was in the day when the Church claimed the right to rule. Nor can religion be tied to morality nor morality to religion. A man may be religious in the sense in which the term is gen-

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erally understood and yet be a Socialist; he may be none the less moral because he is ready to overturn a social system that he regards as morally wrong and indefensible and built on an unmoral foundation. Later this phase of the question will be discussed more at length, but it is sufficient now merely to refer to it.

A cause that numbers its adherents by the hundreds of thousands, in whose ranks are found men and women of all classes and all conditions, many of whom are of a high order of intelligence, sincere, devoted, leading blameless lives, sacrificing comfort and wealth in an effort to ameliorate conditions that an advanced state of civilization has made inevitable, cannot be whistled down the wind as a thing trivial in itself or without serious consequences. Back of it there must be a reason. What, then, is there to Socialism that makes it popular and threatens society?

The answer is to be found in a single word—Economic.

Socialism, it is believed, will correct every economic abuse. If we are as honest as some of the anti-Socialists contend their opponents are dishonest, then we must admit—which is not possible of denial, for the evidence is all around us—that there is great inequality of conditions, that many men have so much money that it is bad for them and many more have a great deal less than is good for them, that rewards are not equally distributed, that there is much suffering and misery, that life to the average man and woman is harder than it ought to be. It is easy enough to find the reason with a wave of the hand. It is the arm-chair philosopher who tells us that every man has that to which he is exactly entitled—no more, no less. If he is industrious, frugal, intelligent, he prospers; if he is slothful, extravagant, stupid he fails. He has to blame no one but himself. Sitting in his well-warmed library, now and then unconsciously thinking of the snow falling outside and the sleighing he will enjoy to-morrow, the arm-chair philosopher loves to write of Opportunity. The Republic is Opportunity, he writes with facile pen; for the library is well warmed and well lighted, and the books he needs for reference are conveniently at hand. It is easy to write of the virtues of thrift when one has a comfortable balance in the bank and the usual semi-annual dividends have been declared payable next month; but the poor wretch who is shivering outside knows nothing of the virtue of thrift and has been denied that opportunity

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which the philosopher believes is waiting for every man to grasp.

The man shivering in the cold, hungry, homeless, friendless, is a Socialist, if not in *esse,* in *posse,* ready to believe that Socialism is the short cut to perfection and the remedy for all wrongs; that if society was organized on a Socialistic instead of an individualistic basis there would be no wrongs; that instead of being cold he would be warm, instead of being hungry he would be well fed, instead of being homeless he would have a home and comfort, instead of being friendless he would have companions. And the man who sits in the library writing futile things, who has risen once or twice during the course of the evening to draw aside the heavy curtains so that he can enjoy the beauty of the snow-decked trees, their branches glistening under the electric lights—for the man has the soul of the poet as well as the mind of a philosopher—is an anti-Socialist to whom Socialism is not only an abhorrent thing, but also a foolish thing. The meaning of the homeless wretch he can no more understand than his philosophy can find a remedy.

Socialism, a thing conceived in the brain of man, is to undo the work of man, its disciples believe. Poverty, injustice, hardship, suffering; painful toil niggardly paid; risks that must be taken without adequate reward—all those things, in fact, of which the average man complains, sometimes with justice, sometimes because he is ignorant or dishonest—in a word, everything that is wrong because of the imperfection of human nature has been brought about, Socialists say, by the dishonesty of man. The laws on which society has been slowly built and has advanced from barbarism to civilization are unjust. The whole social scheme, which is the painful growth of two thousand years, for which man has labored and fought and died, is a mistake, and man has always been on the wrong track. Everything is to be corrected, everything complained of is to be swept away by Socialism, the latest device of man's invention. If for two thousand years man has been wandering in a maze, is there any guarantee that Socialism will lead him to the right path? Why is Socialism wisdom and all else ignorance? Is it not true that Socialism is simply a theory, another of those experiments that the world is always making; and is it not equally true that it is an experiment too dangerous for prudent and patriotic men to sanction?

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It is not to be wondered at that Socialism should be popular. It is not to be wondered at that men of intelligence, as well as ignorant men, should be allured by its fallacies. The surprising thing is not that Socialism has its thousands, but that it has not its tens of thousands, for it *seems* to lead the way out of all difficulties; it is such a simple cure for all evils; it appeals so strongly to self-interest; it is the one remedy that is efficacious where all others have been tried and failed. The man who is weak in mind or spirit believes in the nostrum that is offered him until he knows that it, like scores of other concoctions, has no virtue; but profiting nothing by experience, still seeking health or peace, he can be prevailed to continue his search and fatten the pockets of quack purveyors. Socialism is wrong, fundamentally wrong. Economically and socially it is wrong. It is founded on false principles, although it contains a glimmer of truth. If Socialism were put into operation the very men who now so ardently demand it would be the first to see that its theoretical perfection is a practical impossibility and would be the loudest to clamor for a new order of things. Their last state would be worse than the first. Instead of the mass having gained, it would have lost; instead of the world having advanced, it would have fallen back; instead of man having found promise, he would meet despair. To the Socialist Pandora, typical of hope, is symbolic, but if his foolish wish were gratified his tutelary deity would be the goddess Ate, who, cast out of Olympus by Zeus, wandered about the earth confusing men and leading them to their ruin.

It will be the purpose of subsequent articles to point out wherein Socialism is wrong and why it offers no solution for the faults of our social system; to offer, perhaps, before the series is concluded, a suggestion or two that will neither revolutionize society, nor make the poor rich, nor the foolish wise, nor the feeble strong—for these are things laws cannot do, but each man must do for himself to the utmost of his capacity—but which may bring about that amelioration of conditions which men of all shades of opinion are united in agreeing is desirable.

A. Maurice Low.

(To be Continued.)

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SOME PROBLEMS OF PUBLIC OWNERSHIP

BY WALTER S. ALLEN

THE question of the public ownership of those community services which are commonly grouped together under the title of " public utilities " is one which affects the individual in many ways. As a member of the community he is interested in the social effects of an assumption of an industrial undertaking by the State, as a citizen he is interested in the way in which this extension of governmental functions would affect the political organization of the State, and as a taxpayer and a user of service he is directly interested financially in the success or failure of the undertaking.

The problem must be discussed along broad economic lines and falls naturally into three main divisions—the social, political, and financial effects of such an assumption of business undertakings by the State.

There are those who take the extreme view that the functions of government should include the public ownership and management of all those services which cannot be provided by the individual for his own use. They see in the formation of groups of individuals for these purposes an interference with the rights of the community. They claim that since the public services must be monopolistic in their character in order to be efficient, such groups may become sufficiently strong to be independent of government, and that, at least as far as their own business is concerned, they attempt to usurp the powers of government itself.

The charge is freely made that these group activities control regulative and legislative bodies and tend to degrade these into representatives of the utilities rather than representatives of the people. If this were a fact there would be no question but that such groups would be a social

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menace, but actual facts indicate the contrary. The general trend of the decisions of the regulating commissions throughout the country shows a spirit of fair-mindedness and a study of the laws put upon the statute-books of the United States and the separate States shows many more acts restraining public-service companies than favorable to them.

There is undeniably an increasing tendency in this country to assume that whenever there is such a general demand for any service, that group ownership becomes necessary and individual ownership is impossible, that then it is the duty of the whole community as represented by the government to step in and assume control of the business, either by strict regulation or by actual possession. The major part of the people are apparently satisfied with governmental regulation, but those who think that the public authorities are best fitted to deal with the questions involved refuse to believe that it is possible for the State to establish such form of control as will lead to satisfactory relations between group activities and the community.

The growth in the activities of the State in the last twenty-five years has been very rapid, and unless a study is made, it escapes attention. We have grown so used to ownership and maintenance by the community of roads and bridges that we cannot see why these absolute needs for communication should ever have been allowed to be in private hands.

Health matters, including the supply of pure water and the disposal of sewage, plainly have such an effect on society as a whole that no one questions the propriety of community assumption of these duties. The care of the insane, the deficient, the sick and the poor is being each year more largely assumed by the community. Parks and recreation-grounds are readily supported as being a benefit to the whole mass of citizens. Education at the expense of the State is now an essential, even through university grades.

All these activities are plainly of such a character as to demand co-operative action for the welfare of the whole and in many directions there must be compulsory action which can only be supplied by the power of the State.

But when we consider those other needs of society, known as the public utilities, we find that although they are of great importance in the development of the community, still they do not so closely touch each individual as do those enumerated.

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These services which have been developed in the last few years are of vast importance both to society and the individual, but they are not of such universal use as to demand their assumption by the government for the benefit of the community.

The public utilities generally recognized as such furnish service to the whole community, but these services are for many reasons not availed of by each member of the community.

The question then becomes: What will be the social effect of the operation of these utilities by the public? Would the direct assumption of the duty of supplying the public with these services be of social and economic advantage to the community as a whole? Would there be any advantage to the whole community in such a supply? Would a public supply, instituted for the benefit of the community, lead to placing a disproportionate burden on those who actually avail themselves of the service? These questions must be carefully considered.

A study of the economic conditions governing the relations of the community to the public utilities indicates that the two factors most directly controlling the assumption of the utilities by the community, are the monopoly character and the maturity of the business. None of the so-called public utilities is a complete monopoly. That is, a substitute may be found for each which will actually compete with it. For instance, light can be furnished by electricity, gas, or oil; urban transportation by street cars, stages, and automobiles. There may be differences in convenience, but there is no complete monopoly. Practically, however, each of the various utilities must be a monopoly in its own field if adequate service is to be obtained, so that on this side the utilities fulfill one of the conditions pre-requisite to public ownership.

On the other hand, that of the maturity of the business—the argument is wholly against public ownership.

No one of the public utilities has reached maturity. No one of them is free from the chance of being radically changed by inventions and modifications which will result in making obsolete present methods, and wiping out capital already invested in good faith and in accordance with the best practice at the time the investment was made. Even in the case of the oldest of the utilities—gas—there are impor-

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tant changes from time to time, and often radical changes, such as the comparatively recent introduction of water-gas and the use of coke-oven gas. In electricity for light and power the changes have been even more rapid; the introduction of electric traction on urban and interurban railways is but of a few years' standing—wireless telegraphy and telephony are in their infancy.

This lack of maturity carries with it a risk which may be heavy and one which no government should incur. To risk in such enterprises the money of the taxpayers is beyond the value which the community might obtain from any benefit.

It might be possible to imagine a condition where a government is urged, in the interest of the community as a whole, to assume a public utility. Take, for instance, a small community which feels the need of lighting its streets, and no group of capitalists is willing to assume the risk because of restrictions of one kind or another, say the refusal of the authorities to grant a franchise except on prohibitive terms. The representatives of the people known as the government say—we can do this—we will risk the collective capital of this community, and this we can do because, no matter what the results of our operation of this utility, we shall have behind us the entire property of the taxpayers.

The "bottomless purse of the taxpayer" and the thoughtless assumption by the public of the idea that government is something apart from the taxpayer and always has money to spend, or can raise money some way or other if a community wants necessities or luxuries, has become so a part of American life that it never occurs to the average man that government is merely the aggregation of all of us, and that although taxes are paid directly by only a few, in the end it is always the consumer who pays the taxes, that taxes increase the cost of production, the cost of distribution, the cost of doing all business and the scale of rents, and that finally the wage-earner, who has been brought up in the belief that only the rich pay taxes, pays out indirectly in enhanced cost of living a far greater proportion of his income than those who pay taxes directly in money to the tax-collector.

One of the persistent claims of the advocates of the extension of governmental functions is that, if the State or the municipality undertakes to operate large business prop-

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erties, then the community at large will take a greater interest in government, better men will be induced to take part in politics, and there will be an inevitable raising in the standard of the civil service.

This has a most plausible sound, but experience everywhere fails to lead to this conclusion. Government may become so bad that the voters overturn it, but the effect of this lasts but a short time and things drift back to their old conditions. We try a series of experiments, but in a short time the people lose interest because they fail to realize that they themselves are the government and that government is just what they themselves make it. They fail, too, to realize the fundamental fact that all the expenditures of government are made from the taxes which they pay directly and indirectly.

Take as a concrete example the Post Office Department. Its gross revenue places it among the first half-dozen big business organizations—it touches at first hand every individual in the community; it discriminates in its rates and in its methods to an extent to which no private enterprise would dare; its bookkeeping methods and its business methods are such as would put a private business in a receiver's hands—but yet the people care little for its management. The buildings occupied by the Post Office when owned by the United States are given free to the Post Office Department, and lighted and cared for at the expense of the Treasury Department. Yet, when in making up the accounts by including at the end of the year only audited vouchers, by charging various expenses to other departments, the Post Office shows a meager excess of revenue over expenses, we declare it to be a business success.

"The public will, if it serves itself, be more anxious to give the public service." This is another of the catchy phrases of the advocates of public ownership, but unfortunately, like so many phrases, the facts are against the assumption. Private initiative based on a desire for gain undertakes to secure business by inducements—it advertises, it canvasses the possible user, it looks for new methods of utilizing the service, it seeks to popularize the service, it extends its facilities in all directions as the community extends, and, based on the desire to increase its business, it employs all the devices of able commercial men to devise new methods for introducing its service generally.

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Public initiative may be said to be non-existent. The publicly owned utility waits for the customer to come to it. It assumes that if any one wants an extension of facilities he must ask for them, and in many cases he must guarantee a certain return on the cost before the extension is made. Public management pays little attention to new uses for its service and looks on advertising and canvassing as simply a waste of money. In another direction, too, that of the introduction of new technical methods, public management is almost universally devoid of initiative. There is no incentive to introduce improved methods when those which are in use yield reasonably satisfactory service; there is no inducement to introduce labor-saving devices when these involve a reduction in the working staff and the throwing out of voters.

Public management, too, is more arbitrary toward its users—payment in advance is more rigorously enforced—the discontinuance of service on account of the non-payment of bills is more rigidly enforced—and once service is discontinued a penalty is laid on the user by making a charge for resuming service. In short, any comparative study of public and privately operated utilities will show that so far as showing any public-spirited desire to secure business and aid all the members of the community to secure service suited to their needs, the privately managed plants are greatly in advance of those managed by the public ostensibly in the interests of the public.

It is claimed that public ownership benefits the employees. If this means that employees receive more than the usual rate of wages or are employed fewer hours, or that more men are employed than would be the case in a private plant and that this is a benefit, then it may be true, but such an economic waste is plainly a detriment to the user of service. The individual user wants his service at as low a price as possible and he is plainly entitled to it, and any excessive wage paid to a favored few is an injury to the user and a serious demoralization to society. Such action confirms every one in the belief that the Government is not bound in any way by broad general economic laws, but is something apart whose object is to favor a class.

There is claimed a benefit to the users in the superiority of service rendered. Every progressive manager of a privately owned public utility—and the progressive managers

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are vastly in the majority—recognizes that his business is to furnish good service, and that while he is manager primarily for the purpose of making the business pay, he must recognize that the only way in which this can be accomplished is to furnish such a grade of service as will satisfy the people served and make them the friends of the management. There is nothing sentimental in the question of good service, as the advocates of public ownership would have us believe; it is simply good hard business common sense to give the best service possible, and commercial men see it far more plainly than any one else.

But the claim which appeals more strongly to many of those who realize the present unsatisfactory condition of government is that already referred to—namely, that the extension of the business activities of State and municipal governments will enlist more actively the influential men of the community in public affairs.

In support of this argument the partial success of governmentally managed business in England and Germany is cited, and the claim is made that because of these wide activities of government a better class of men go on the administrative bodies. This is, as a matter of fact, inverted reasoning, and the true state of affairs is that because of the presence of able and influential men on administrative boards who have the ability to choose and to retain capable executive officers the governmental business activities of England and Germany have shown a certain amount of success; but, unfortunately, this condition is not improving, but is deteriorating slowly. There was a time when the Council Committees in English cities were willing to accept the opinions and recommendations of their managers. To-day the tendency is for the committees to dictate to the managers, and the often brilliant managers of publicly owned gas-works and tramways in Great Britain of twenty-five years ago are being gradually replaced by technically well-trained managers who carry on the business, not on an independent basis, but under instructions of a committee more concerned with the vote at the next election than with the proper development of the service.

In Germany the thoroughgoing extension of a real civil service, combined with the bureaucratic organization of the country and a system of suffrage under which the large taxpayers hold a predominant place in the administrative

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bodies, has, up to the present time, produced fairly good results, but even there questions political rather than purely social are arising which are disturbing to keen thinkers.

In short, neither experience nor economic analysis leads to any belief that public ownership yields any real social benefit.

One of the most prominent writers supporting the side of public ownership wrote some years ago: "The referendum and a civil service managed in the public interest form essential elements in any reliable plan for a real public ownership, for without them we merely go from the private ownership of a group of stockholders to the private ownership of a group of officeholders."

In this quotation we have a plain recognition of the fundamental political difficulty in the way of a general introduction of public ownership in a democracy. We have not today an efficient civil service—things have improved in some ways, but still in every public enterprise we find employment governed in large measure by political pull or pressure and an excess of employees put into places created for them regardless of the needs of the service. This state of affairs is not confined to the United States, but may be also found in England and Germany, where the civil services stand on a much firmer basis.

A frequent claim is made that labor conditions under public ownership are better as regards hours of labor, wages, safe conditions of operation, and so forth. If this were true, it merely means that the methods employed are such as will increase the cost of the service at the expense of the users and lead to the establishment of a privileged class of workers. So far as working conditions are concerned, careful investigation will fail to show any appreciable difference between publicly and privately owned utilities. Individual cases can be singled out where one or the other shows greater consideration for the safety and comfort of the employees. As an instance of the failure of public employment to yield greater consideration than private we may compare the work of the railway mail clerks with that of the baggage-men working on the same trains.

It is often said that public employees will show more interest in their work than private employees. A casual inspection of public work will easily disprove this assertion. Indeed, in Australia, where public operation has been carried

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to extremes, we find frequent references to "the Government stroke" to indicate slowness and inefficiency.

The average wage-earner in either public or private employment looks only to his wages, and the great mass of them care little for anything else; the work will be carried on efficiently or otherwise, according to the individual interest of the worker. To those who are ambitious chances for advancement are to be found in both kinds of employment, but as a general rule these are more rapid in private than in public enterprises.

"Strikes will be eliminated" is the often-made statement; but, unfortunately, strikes have not been eliminated—as, for instance, the Australian and French railway strikes, gas-workers' strikes in England, and in this country there have been strikes of street laborers and once a strike of letter-carriers. This last was based upon a wage question and brings to light a wage situation in the administration of the Post Office which would become of great importance if the Government should take over the railroads, the telegraph, and telephone—namely, that wages are based, not on labor conditions and cost of living in different parts of the country, but simply upon the size of places and the length of service of the employee.

A danger from the political side in a wide extension of public ownership under a system of universal suffrage lies in the enormous political machine which could easily be built up. Even under rigorous laws the Post Office continues to exert a great influence in national politics, and if to such a body of voters we should add the millions of railway, street-railway, gas, electric, telegraph, and telephone employees a voting-machine could be built up which would be irresistible.

This condition is feared in those countries where the extension of public ownership has been the greatest. In Germany the late Dr. von Miquel, Prussian Finance Minister, said that he felt that nationalization and municipalization of public services had gone quite far enough, as the increasing number of employees who could be and were used for political purposes at election-time were detrimental to the interests of good government. In England Mr. Robert Donald, an urgent advocate of the policy of the assumption of all forms of public utilities by the municipalities, has recognized the same danger; and, although urging the grant by

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Parliament of greater powers to the municipalities, he has suggested that it might be well to deprive municipal employees of the right to vote in municipal elections.

In England there exists an organization known as the "Association of Municipal Corporations" made up of representatives of about three hundred municipalities. This has for its object the influencing of legislation in Parliament and it has exerted a tremendous influence not only in securing legislation favorable to the municipalities, but also in preventing legislation in favor of private ownership of utilities promising improvements in service; notably in the case of tramway and light railway matters and in opposing the formation of central companies for the sale, at wholesale, of gas and electricity.

The London County Council for years harassed the London water companies on account of their deficient supply, but just as regularly appeared before Parliament to oppose the application of the companies for the authorization of new capital to enable them to increase their facilities.

These two examples show the working of the governmental "lobby" in its most offensive form. The same interference with legislation is seen in the efforts of the various associations of civil servants in Great Britain—notably the Post Office clerks, and in this country the activity of departmental officers in matters before Congress is notorious.

Facts show that public ownership not only fails to remove the utilities from politics, but increases their political activities, oftentimes in a way detrimental to the public interests.

But the most often-heard reason given for public ownership is that the private utilities corrupt the legislative bodies for their own private ends against the public interest, and that this is the cause of legislative corruption. We have here a case where the effect is treated as the cause—it is the demoralized conditions in political life which have led to the corruption. Professor Taussig says, in his *Principles of Economics:*

"The occasion [for corruption] is the great fund of gain which the monopoly enterprises can yield; the cause is political demoralization. It matters little whether the initiative in corrupt ways is taken by the heads of the monopoly corporations or by the public officials, whether the first step be bribery or blackmail. In either case it is the existence of venal legislators and administrators that brings coarse and characterless persons

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into the management of the 'public-service' industries. Honorable men withdraw from the unsavory affairs and are replaced by those less squeamish. The root of the difficulty is that a bad political situation invites corruption, not that corruption makes the political situation bad."

The first claim made for public ownership is that service can be rendered cheaper, but when all proper items of expense are included—such items as a private enterprise must include if it is to live—it will not be found that there is any very great difference in the cost of supplying service between well-managed private and public supplies, while poorly managed public supplies make a worse showing than poorly managed private supplies.

First of all, it must be admitted that although the accounting methods of public-service companies often leave much to be desired, that certainly, in this country at least, municipal and governmental accounting methods are hopelessly antiquated and as varied as the whims of officials make them. An effort is being made to introduce modern methods, but until this has been done and the accounts of the business enterprises carried on by governmental authorities have been properly arranged to include all charges legitimately belonging to the different branches, it will be impossible to argue intelligently on the figures as presented. For example, the Post Office accounts made up at the end of the year include only audited vouchers, and it is perfectly easy to make up the accounts in a way to show anything desired.

So, too, in municipal enterprises—clerical work done for the public plants is often charged in general city expenses, water is furnished free, engineering assistance is given without charge, offices are furnished free of rent, and a host of minor charges which must be paid for by a private company are thrown into general municipal expenses. In this way the cost of supplying service in a publicly managed plant may be made to appear low, but it must be remembered that the failure to charge these items to the cost of furnishing the public service results only in raising the expenses of some other department; as, for instance, while the Post Office Department saves on rent, heat, and care of its buildings, the Treasury Department pays for these and has no benefit from them. We are hopelessly at sea when we undertake to make financial comparisons under these conditions.

There are, however, certain tangible points upon which

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comparisons may be made. One important reason given for public ownership has been the fact that municipalities have been able to borrow money at a lower rate than companies. This has been true and is now, to a certain extent, but the rates for municipal loans and public utility bonds have been steadily approaching one another and this process is likely to continue. The enormous municipal debts which American and English cities are running up are tending to render capital cautious; and although not only the property of the municipality, but that of every individual citizen, stands as security for the municipal loans, still the difficulties which would arise if a municipality should go into bankruptcy—not an unthinkable proposition—does not allure the investor. This may seem an exaggerated statement, but the United States Census Bureau reports show that between 1902 and 1908 the sixteen largest cities in the United States increased their gross debts by $646,000,000, or 71.6 per cent., while during the same time their population increased only 15.5 per cent. This means that the gross debt of these cities for each man, woman, and child living in them increased from $75.47 to $112.50. Such an increase cannot continue without a demand from investors for a higher rate of interest to compensate for the risk.

It has often been claimed that a charge against income for sinking-fund in the case of municipal plants is unnecessary because such a charge only means that the present users are paying for the plant for the benefit of the future generations, who later will have the plant free of capital charge. Theoretically, this is true—practically, when a public utility stops growing it begins to die, and as the demand for fresh capital always continues the time when the plant is fully paid for free of all incumbrances extends into the dim future. The Glasgow gas-plant is one of those longest in possession of public authorities anywhere in Great Britain, and if it had been possible to get rid of a capital charge that plant should have shown it; but, as a matter of fact, but a very small proportion of the capital charge has been extinguished by the operation of the sinking-fund. So that the day is far off when we shall arrive at what the enthusiasts designate as full public ownership.

The question of the proper charge for service furnished by a publicly owned plant is one of the most troublesome which has to be met. Theoretically, the service should be

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furnished at cost—practically, as we have seen, the actual cost is rarely known. When rates are established they are either fixed at the supposed cost or else they are figured so that they may produce a surplus large enough to perhaps allow for furnishing the municipality with service free. In England, where tradition accepts fluctuations in price up and down and where the public takes it as a matter of course that when costs increase selling prices must increase also, it is easy to fix rates close to cost; but in this country, where the public expects a continuous fall in price and seems never prepared for an increase, it is much more difficult to hew close to the line.

If, on the other hand, a price is fixed which will yield a profit, we have a condition which is unjust. The users of the service, who, except in the case of water, represent but a small part of the whole community, have levied on them a special tax for the benefit of the whole community. It is not unusual to find statements that certain towns receive their electric street lighting for a nominal sum or even at no cost—and these claims are boldly advanced as an argument for public ownership. Even a slight consideration must convince any one that where such a condition exists it simply means that the commercial users of electric light are paying the cost of lighting the streets for the benefit of the whole community. This is a situation which is absolutely indefensible; it is the plainest possible illustration of inequitable taxation, taxation not even according to ability to pay, but a forced levy on those who use electricity.

An analysis of British municipal trading is to be found in a Parliamentary paper of 1902. In this Sir H. Fowler shows that the British municipalities make a profit of approximately one-half of one per cent. on the capital invested after deducting interest on the loans, but with practically no allowance for depreciation. If we assume that the average rate of interest on the loans was three and one-half per cent., then we have a return on the investment of four per cent., with no charge for depreciation or a net loss on the investment of fully two per cent.

Although the accounts of the telephone, telegraph, and postal service are inextricably mixed in the continental countries, it is probably well within the bounds of reason to say that the entire telegraph service of the continent of Europe is conducted at a loss and that the telephone service

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returns nothing on the sums invested. In Great Britain the telegraph plainly loses money; in the last year practically five million dollars ($5,000,000); and even this showing fails to give the full extent of the deficit, for many items properly belonging to the telegraph are charged to Post Office accounts.

A most important feature to be considered by any public body before embarking in a plan for public ownership is the risk of obsolescence and the possible need of entire replacement in a short time. This is a risk which private companies always bear in mind and one which public bodies usually ignore, yet certain municipalities—for example, Bradford, in England—found themselves seriously handicapped when the pressure of public opinion forced them to change their steam and horse tramways to electric. If it were not for the bottomless purse of the taxpayer, municipal bodies might be slower in adopting public ownership.

The logic of the situation and the experience of those governments and municipalities which have embarked in these enterprises prove conclusively that whenever capital groups are willing to undertake to serve a community with the so-called utilities, to assume the risk and submit themselves to a sensible public control, then the public will be better served by public management; in this way the public is protected, capital is allowed a fair return, and inducements are offered to the managers to develop the business in a way to yield advantages to all interested. Such a plan as exists in Great Britain in the gas industry, as is in force in the Boston (Massachusetts) Gas Company, as is covered by the Chicago Traction Company franchise, under which economies in production made possible by good management are divided between the users and the management, such a plan offers inducements to the companies to introduce economies in their methods and the public gets its share. That efficiency in management should be rewarded is conceded by all those who have studied the subject; that the public is entitled to all the economies as claimed by some means simply that there will be no inducement to careful managers to exert themselves to meet the demands and introduce improved methods.

Common-sense regulation seems, in the light of experience, far better than public management.

WALTER S. ALLEN.

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CABINET OFFICERS IN CONGRESS

BY PERRY BELMONT

THE enlargement of the intercourse between the executive and legislative branches of the Federal Government has long been proposed, not by means of an amendment to the Constitution, which would be unnecessary and undesirable for that purpose, but by a mere change in the rules of procedure requiring, at stated times, the presence before Congress of members of the Cabinet or the heads of the executive departments. They would thus have the privilege of discussing measures concerning their departments, and the legislative branch would have the opportunity and advantage of obtaining direct oral and officially responsible information from executive officers, which would be of great value in framing legislation.

President Taft's happily phrased reference to the subject, in a recent speech at the Lotos Club in New York, has stimulated renewed interest in the proposition, especially among those who have had experience in the practical business of the legislative and executive branches of our Government, and who are gradually coming to a full realization of the great benefits which would certainly result from the proposed change. On that occasion Mr. Taft said:

"I doubt not that the presence of able Cabinet officers on the floor of each House would give greater harmony of plan for the conduct of public business in both Houses, and would secure much more valuable legislation in accordance with party plans than we have now. On the other hand, the system would enable Congress to come closer to the Executive, and pry more effectively into each act and compel a disclosure of the reasons justifying it immediately at the time of the act, and keep the public more quickly advised by the direct questions of hostile critics which must be answered of the progress of business under Executive auspices."

He added:

"It would necessitate the appointing to the Cabinet of men used to debate and to defend their position, and it would offer an opportunity

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for the public to judge of the Executive and his administration much more justly and much more quickly than under our present system."

During the recent Presidential election the absence of nearly all the members of the Cabinet from the arena of political discussion was noticeable, but would hardly have been possible had the Cabinet been formed with a view of meeting more exacting requirements.

It is interesting to recall the fact that the President was preceded by another statesman from Ohio, Mr. George H. Pendleton, of Cincinnati, then a Representative in Congress and afterward Senator from his State, who brought the subject to the notice of Congress in 1864. A select committee was appointed, of which Mr. Pendleton became chairman, and on March 3, 1865, amendments to the Rules of the House were reported by him, of which the following are the main features:

1. That the Secretary of State, the Secretary of War, the Secretary of the Treasury, the Secretary of the Navy, the Secretary of the Interior, the Attorney-General, and the Postmaster-General shall be entitled to occupy seats on the floor of either House, with the privilege of discussing any measures appertaining to their departments under such rules as may be prescribed.

2. That the said Secretaries, the Attorney-General, and the Postmaster-General attend the sessions of the Senate and of the House of Representatives, immediately on the opening of the sittings on a stated day of each week, and give information in reply to questions asked under the rules.

This would secure to the heads of departments or members of the Cabinet the right to take part in discussions upon subjects relating to their respective departments and, at stated times, require them to attend. That limits might be placed on the right of inquiry, the rules of the House might be amended somewhat in the manner proposed by Mr. Pendleton's committee. These amendments were intended for the House of Representatives only, but could be made applicable to the Senate as well, in order that the clerk of the Senate and of the House of Representatives should keep notice books in which they should enter on the request of a member or Senator any resolution requiring information from any of the executive departments or questions intended to be propounded to any member of the Cabinet.

The member giving notice of such resolution or question

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could, at the same time, give notice that the same shall be called up on a stated day or days of the succeeding week: *Provided,* That no such resolution or question shall be called up, except by unanimous consent, within less than —— days after due notice shall have been given. The clerk could, on the same day on which notice is entered, transmit to the chief officer of the proper department a copy of the resolution or question, together with the name of the member proposing the same and of the day when it would come before the House for action. On the days chosen of each week, before any other business shall be taken up, except by unanimous consent, the resolutions and questions could be taken up in the order in which they have been entered upon the notice book of that day. The member offering a resolution could state succinctly the object and scope of his resolution, and the reason for desiring the information; and the Secretary of the proper department could reply, giving the information, *or the reasons why the same should be withheld,* and then, without further debate, the House could vote on the resolution unless it should be withdrawn or postponed. In putting any question to the Secretaries or the Attorney-General or Postmaster-general, no argument or opinion should be offered nor any fact stated except so far as may be necessary to explain such question. And in answering such question the Secretary, the Attorney-General, or Postmaster-General should not state facts or opinions other than those necessary to explain the answer.

Under the existing law organizing the Treasury Department enacted September 2, 1789, the Secretary of the Treasury can at any time be required by resolution to appear in person before Congress. The Treasury Department is the financial agency of Congress, which therefore can exercise the authority of a direct control over it, and its head holds a different relation to the legislative branch than does any other member of the Cabinet. This is in accordance with the constitutional provision that "all bills for raising revenue shall originate in the House of Representatives." The law creating his office provides that:

"He shall make report and give information to either branch of the Legislature *in person* or in writing as may be required respecting all matters referred to him by the Senate or House of Representatives or which shall appertain to his office."

The framers of the Constitution of the Confederate States

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had previously had a long experience of our system of Government, and undoubtedly had observed, even at that time, when the business of the Government had not grown to its present enormous proportions, the lack of sufficient direct intercourse between the legislative and executive branches. On that account, in their provisional and, afterward, in their permanent Constitution, which was modeled upon that of the Federal Government, after the words, "And no person holding any office under the Confederate States shall be a member of either House during his continuance in office," they introduced this clause:

"The Congress may by law grant to the principal officer in each executive department a seat upon the floor of either House, with the privilege of discussing any measures appertaining to his office." (Confederate States Constitution, Article I, Section 6.)

The Constitution distributes the functions of Government among three departments, and for the better preservation of constitutional methods these departments — executive, legislative, and judicial—are kept distinctly separate. The tradition of the early history of the Federal Government is that the annual messages of Presidents Washington and John Adams were delivered in person, and that the annual messages of the first two Presidents were answered by an address from Congress. This practice was changed by President Jefferson, and, ever since, all messages from the President to either House of Congress have been delivered by messenger or in writing.

There is a distinction between the executive office of the President and the office of the several heads of the executive departments; a different rule is applied to each. The President alone is the constitutional Executive. He alone is the co-ordinate branch of the Government. The Constitution declares that "the executive power shall be vested in the President of the United States of America." It also declares that "he shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient." The heads of departments are there to aid him in the performance of certain duties, and so far are responsible to him alone. But Congress creates offices by law, all the heads of departments are the creatures of Congressional legislation; new duties may, therefore, be assigned to them by the power which created them. An ex-

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ecutive officer cannot be a member of either House of Congress, under the provision of the Constitution that "No person holding any office under the United States shall be a member of either House during his continuance in office." Therefore, all idea of giving the head of a department a vote in either House of Congress is out of the question, nor would it be desirable under our system.

There are those who seem to believe that to enable members of the Cabinet to appear before either House would not be the complete parliamentary system of other Governments, because it would not give to the Cabinet the power to direct and control legislative action. It is much to be preferred that it should not. The parliamentary systems of Europe lead to much more instability than does ours. There the Cabinet is in effect the Executive; also, in that respect, a little more than a committee of the Legislature to carry into execution its general policy, and an adverse vote is usually taken to mean a change of government. It may be well to keep in mind that the idea of bringing officers of the executive departments before the House of Congress is not suggested by the parliamentary system of Great Britain. That system is, in its fundamental principles, so different from ours as to be hardly a safe guide for us.

Changes similar to the plan here suggested as applicable to our system have often, by the nature of things, presented themselves for consideration during the history of American legislation, and the annals of Congress contain debates upon the subject at times when information was to be obtained through heads of departments. It belongs to the development of our own laws and ought to be discussed within its capacity of being adjusted to our American system.

The Constitution contains no such phrases as "Cabinet officers" or "constitutional advisers." It does say that the President may require the opinion in writing of "the principal officer in each department," and therefore such officers are said to be constitutional advisers to the President. As it is within the scope of the law and spirit of the Constitution that the executive officers may be admitted to discuss public measures on the floor of Congress, it is only a question of expediency whether or not such a change in the method of procedure ought to be adopted.

If we accept the law organizing the Treasury, as evidence of the solution of this question, it would appear that

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a head of a department can be required to give information in person, although he must await an invitation or call from Congress. The President is invested with the authority to make treaties and appoint foreign ambassadors and ministers with the consent of the Senate. Congress has not the power to compel the Secretary of State to give information respecting such matters, nor could the lawmaking power require the Secretary of State to appear in person before the House of Representatives and give such information as might be required in respect to an appointment, the negotiation of a treaty, or in respect to the management of the foreign affairs of the country. The Secretary of State is not required by the law creating his office to make report or give information to either branch of the Legislature. Nor does he report to either the President or Congress, but whatever is said in respect to foreign affairs is said directly by the President of the United States in his annual message. But as to matters relating to the Department of State, there appears to be no reason why the Congress should not claim and exercise the same power which is established in the law organizing the Treasury. To the Executive is given the power to carry out in secret certain measures of foreign policy. Yet if Congress should open its doors and invite the Secretary of State to the floor, even in regard to such questions, certain things which in his opinion ought to be made known could in this way be communicated, and perhaps with greater facility and despatch than at present.

Can the Secretary of War or the Secretary of the Navy be compelled to appear before either House and answer in respect to the manner in which the President of the United States proposes to exercise his function as "Commander-in-chief of the army and navy"? Laws have been enacted prescribing the duties of the Secretaries of War and Navy which have invested them with a discretion respecting certain specified acts, in regard to which they are independent of the President. The law establishing the War Department was enacted August 7, 1789, and defines the general relation of the Secretary to the President. By subsequent acts—1809, 1866, 1868—the Secretary was required to lay before Congress annual statements of contracts and purchases, reports of bids for works, reports of examination of river and harbor improvements, abstract of returns of Adjutant-Generals of States, and laws have been passed giving the

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Secretary certain discretionary powers; the same may be said of the Navy Department. Thus again did Congress make those officers its agents for the doing of specified acts without the intervention of the President.

The heads of other departments have a similar discretion. In regard to such matters the lawmaking power can require oral information, as it does written reports. As to other matters an invitation to attend upon Congress would recognize the right of an executive officer to withhold information that was considered inconsistent with executive authority to impart. If the lawmaking power can make such appearance before Congress obligatory upon a head of a department, can the latter be lawfully required to appear against the will of the President? In other words, does the Constitution declare that the will of the President shall govern in the performing of all executive acts by executive officers?

Since the Tenure of Office Act the relation of executive officers to Congress has been materially altered. The first Congress affirmed the power of the President to remove from office without the assent of the Senate. This question was much agitated during the administration of President Jackson, but finally, under President Johnson, the lawmaking power declared, in effect, that the President cannot remove even a Cabinet officer without the assent of the Senate. It has, moreover, now grown to be very much the habit of Congress to require subordinate executive officers to do certain acts without making any mention of the President, and a large proportion of them may be done without any special direction from him. Here, therefore, we find again the distinction between acts about which Congress may compel information, and those about which information can be obtained only in such manner as the Executive may see fit or may be withheld, as he directs.

There is enough of deference pervading the transactions of our public business in Washington to make such a system successful. When the heads of departments go before Congressional committees, as they very often do, they have been received with the utmost official courtesy even by members politically hostile to them. A committee of the whole House or Senate would undoubtedly in the same manner preserve its official dignity.

In every successfully administrated legislative body an

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important part of legislative work must be transacted in the committee-room. There a critical examination of existing laws can best be made and legislation carefully and thoroughly prepared. Before such committees executive officers can give, and do give, their information without restraint and in that conversational manner which permits freedom. The appearance of Cabinet officers before Congressional committees occurs with constantly increasing frequency, indicating a marked tendency toward more direct methods of communication. In the last session of Congress the Secretary of State, Mr. Knox, came before the Committee on Foreign Affairs on several occasions, and took part in the deliberations of the committee, in the preparation of the diplomatic and consular appropriation bill. This proved of great service to the committee and of equal benefit to the department. The chairman of that committee, Representative Sulzer, of New York, now Governor of that State, has expressed himself as strongly in favor of more direct and open intercourse, and there are many members of both Houses holding similar views. Much of such information which can safely for the public interest be given in the privacy of a committee-room might not be useful for a public session of the whole House. Yet it often happens that the secret methods of committees are not as desirable as would be public discussions of executive details, and such publicity is frequently even necessary for the purposes of an administration and as an exposition of its policy. Official reports of the proceedings before committees are therefore published, and they are generally of the greatest value, but members of Congress have not always time to study them. They are there to represent Districts and States; they have special work to attend to in the different committees, and if they give the rest of their time to participating in part in what actually goes on in the deliberative body, little more can be asked of them. A few words spoken by the head of a department would place the whole of Congress on the same vantage-ground as members of a committee.

The written reports from the executive departments of the Government are prepared with the greatest care and ability, and are everywhere recognized as of the highest order of merit. Should the proposed change in regard to the Cabinet officers be carried out, it would in no way diminish the importance of continuing the written reports now required, and

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which are so valuable to constructive legislation. There is a disposition to undervalue our Congressional debates, and especially the *Congressional Record*. It may be that occasionally the adverse criticisms in regard to the *Record* are partially justified, but no legislative body in the world contains members of more ability or of better equipment for the work of legislation than the Congress of the United States. Speeches are printed and debates are recorded which prove this assertion, but it is seldom that the country at large is enabled to obtain sufficient evidence of the fact. Although when some especially important or sensational event occurs in Congress, the attention of the nation is for the time being concentrated upon that body.

The patriotism of the American people is their distinguishing trait. They are not indifferent to what occurs at the national capital; yet as long as there are no public debates between the executive and legislative departments, this seeming indifference will, as a matter of course, continue. Nor is the press of the United States indifferent to Congressional debates or to their results upon the legislation of the country, yet no newspaper can be expected to print continuously the proceedings in the legislative branch where the executive department does not enter. Were the proposed change to be made effective, public discussion of national questions would assume a new aspect of vital importance to the nation. It would leave undisturbed the powers of the executive and legislative branches and would afford an opportunity of free and open consultation between them which would materially aid Congress in reaching its decisions upon questions of policy.

Laws are often framed which in the course of time and by force of circumstances bring about results at variance with the purposes of the lawmakers. The converse is equally true. Difficulties are often raised and obstacles suggested to a proposed legislative plan which are found to be fanciful or exaggerated, and to which the practical working of the law, when enacted, suggests an easy and effectual remedy. This would hold good particularly in matters of administration, such as the proposed change in the method of procedure, which would bring about a necessary direct, open, and public intercourse at present lacking between the executive and legislative branches of our Federal Government.

PERRY BELMONT.

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THE CANAL DIPLOMACY

JUSTIFICATION FOR THE BRITISH PROTEST

BY LEOPOLD GRAHAME

WHILE the scope of the public discussion of recent canal legislation has been considerably widened by Mr. Archibald Colquhoun's admirable and closely reasoned article in the October issue of the REVIEW, it is to be regretted that the writer, whose authority on the subject is generally recognized, did not deal more exhaustively with the historical aspect of the matter.

Public opinion on this question in the United States has been largely influenced by the constant references of publicists to specific clauses of the Clayton-Bulwer and Hay-Pauncefote treaties and to the susceptibility of those clauses to an interpretation other than that justified by the facts of the case. Such references, however, constitute in themselves wholly inadequate material whereon to form a matured opinion as to the merits of the claims respectively urged in this matter by Great Britain and the United States. It is necessary to go back to an earlier period of the nineteenth century — to the administration of John Quincy Adams and to the establishment of the independence of the Spanish republics—in order to trace the sequence of events which culminated in the later treaties whereby this country acquired the right to build and control the great undertaking which is destined to produce such fundamental changes in the political and economic organisms of all the American nations. It is equally necessary, for the purpose of obtaining a comprehensive view of the situation, to place in juxtaposition, through the period under review, the established interests of Great Britain on this continent with the growing responsibilities of the United States toward her sister republics, and to see what was the actual consideration to each

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for the mutual concessions and surrender of privileges embodied in the two important treaties arising out of the protracted and at times delicate negotiations between the two countries. To avoid the necessity for quoting extensive extracts from a mountain of historical and official literature, it is proposed in this article to supplement Mr. Colquhoun's valuable contribution on the subject by presenting a summarized record of those events which have some relation to the pending dispute in so far as they disclose the motives, views, and objects of the two Governments in their extended diplomatic controversy and various transactions concerning the construction and control of the Canal to link up the Atlantic and Pacific oceans.

The first recorded official step adopted by the United States in regard to the construction of the Canal is to be found in the instructions formulated by Henry Clay, Secretary of State, in 1826 for the American delegates to the abortive First Congress of Panama, convoked by Bolivar the Liberator. Clay said in his note of instructions:

"If the question of the construction of an interoceanic canal should be submitted for the consideration of the Congress, the representatives of the United States must sustain the principle that the advantages to be derived from a direct passage from one ocean to another shall not be conferred upon any single nation, but shall be extended to all the nations of the world on payment of just compensation or reasonable dues."

From this time forward increasing attention was given by the United States to the construction of the Canal; and on March 3, 1835, the Senate voted the following resolution:

"*Resolved,* That the President of the United States be respectfully requested to consider the expediency of opening negotiations with the Governments of other nations, and particularly with the Governments of Central America and New Granada, for the purpose of effectually protecting by suitable treaty stipulations with them such individuals or companies as may undertake to open a communication between the Atlantic and Pacific oceans by the construction of a ship canal across the Isthmus which connects North and South America, and of securing forever by such stipulations the free and equal right of navigating such canal to all nations on the payment of such reasonable tolls as may be established to compensate the capitalists who may engage in such undertaking and complete the work."

In terms of this resolution President Jackson appointed Colonel Charles Biddell to make preliminary investigations as to interoceanic communication through canals or railways. This agent, however, only visited Panama, and ulti-

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mately recommended the construction of a railway. At the same time, the Government of New Granada granted a concession to Baron Thierry to unite, by a canal, the waters of the Chagres with those of the Rio Grande, with an outlet to the Bay of Panama, but this concession lapsed before work was begun.

In 1839 the United States Congress passed another resolution directing the President to avail himself of the opportunity to open, or continue, negotiations with the Governments of other nations, and especially with those exercising territorial jurisdiction in the Isthmus of Panama, with the object of establishing communication between the Atlantic and Pacific oceans by the construction of a maritime canal to traverse the isthmus, assuring

"for all time, by treaty stipulations, the free and equal use of the said canal by all nations."

Before, however, the President could give effect to this resolution the Government of New Granada again conceded authority to a French firm to construct macadamized roads, railways, or canals across the Isthmus.

During these years anxiety increased in some of the Latin republics, as well as in the United States, as to the possibility of the commerce of the Western Hemisphere being imperilled by the pretensions of Great Britain to extra-territorial rights in the Orinoco (Venezuela) and the River Platte (Buenos Ayres); and by a supposed desire on the part of that Power to usurp the canalizable portion of the Isthmus of Panama. This feeling induced renewed activity in the canal scheme, with the result that after considerable diplomatic negotiation the first treaty with New Granada was concluded on December 12, 1846. Under this treaty, as is well known, New Granada granted co-extensive rights to the United States, securing in return an absolute guarantee for the sovereignty of New Granada over the territory of the Isthmus and for the complete neutralization of the projected canal or other passage to unite the two oceans.

In transmitting this treaty to the Senate for ratification, in February, 1847, President Polk's Message referred at length—and in terms of the utmost significance at the present moment—to the motives which moved the Government to depart from the settled policy of the United States in guaranteeing the territory of a foreign State. He said:

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"It will constitute no alliance for any political object, but for a purely commercial purpose in which all the navigating nations of the world have a common interest. . . . If the United States, as the chief of the American nations, should first become a party to this guaranty, it cannot be doubted—indeed, it is confidently expected by the Government of New Granada—that similar guaranties will be given to that republic by Great Britain and France. . . . In entering into the mutual guaranties proposed by the thirty-fifth article of the treaty, neither the Government of New Granada nor that of the United States has any narrow or exclusive views. The ultimate object as presented by the Senate of the United States in their resolution (March 3, 1835) is to secure to all nations the free and equal right of passage over the Isthmus."

In the period intervening between the communication of this message and the submission of the treaty (with amendments) in June, 1848, important developments had taken place in the extension of British influence in Nicaragua; and it was entirely due to the diplomatic skill, displayed equally by the Governments of the United States and Great Britain in the difficult negotiations which ended in the Clayton-Bulwer Treaty (1850), that a war between the two countries was happily averted.

It is not necessary here to enter into the origin of this British influence in Nicaragua. Suffice it to add that soon after Spain had lost her sovereignty over the Central American countries, Great Britain reasserted her former claims to a protectorate over the Mosquito Coast of Nicaragua and subsequently converted the British settlement on the River Belize into a colony under the title of British Honduras. Under this protectorate, the Mosquito Indians were removed from the jurisdiction of Nicaragua and by the aid of British troops a headsman of the tribe was proclaimed and crowned as king, the territorial limits of the protectorate having been later extended until they included the mouth of the River San Juan, the most important point of the coast of Nicaragua. At a later stage the King of the Mosquitos declared his intention to include within his jurisdiction the entire River San Juan; and on the 1st of January (1848), assisted by a British naval force, hoisted the Mosquito flag at the mouth of the river. After a few skirmishes with Nicaraguan troops, the British forces took possession of San Juan del Norte (the name of which they changed to "Greytown"), strengthening their position by a new treaty with Nicaragua, in which there was formal recognition of British sovereignty over the Mosquito territory.

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The successive advances of Great Britain in that portion of Central America intensified feeling in the United States, not only because they constituted open violations of the Monroe Doctrine, but also for the reason that the acquisition of sovereignty over the territory in question gave to Great Britain absolute future dominion over the entrance to the projected Nicaraguan Canal.

The avowed policy and intentions of the United States during the preceding twenty-five years to secure a neutral canal to unite the two oceans being thus imperilled, and to appease the warlike feeling which manifested itself throughout the country, President Polk proceeded immediately to secure further concessions in the pending treaty with New Granada. At the same time the United States Government sent a representative, Mr. Elijah Hise, to Nicaragua to report upon the action of Great Britain in relation to the Mosquito protectorate and to the extent of that Power's invasion and occupation of Nicaraguan territory. No authority was given to Mr. Hise to negotiate any treaty or convention with the Government of that country; but having in view the treaty with New Granada and the discovery of vast mineral wealth in the then recently acquired territory of California, he assumed the responsibility, on behalf of the United States, to enter into a treaty (June, 1849) with the Government of Nicaragua which gave to the United States, in addition to privileges similar to those embodied in the amended treaty with New Granada, the right to erect fortifications over the whole length of the canal and to fortify and guard the entrances thereto. In exchange the United States undertook to guarantee the integrity of the territory of Nicaragua.

To avoid a war which would inevitably have followed the recognition by the United States of such a treaty, the Government at once retired Mr. Hise and replaced him by another envoy, Mr. E. G. Squire, with instructions to inform the Nicaraguan Government that the Government of the United States was entirely disposed to maintain the principles of the Monroe Doctrine, and that it would be no departure from that attitude to provide that all the nations of the world should enjoy equal rights of transit through the proposed canal. In accordance with these instructions, Mr. Squire concluded a new treaty with Nicaragua whereby the right of interoceanic transit was conceded to this country,

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which, in turn, guaranteed the sovereignty of Nicaragua only over the territory of the proposed waterway and its terminals, reserving the right to Nicaragua to enter into similar treaties with other nations.

Immediately after the conclusion of this treaty the British Government sent an expedition to the Gulf of Fonseca, in Honduran territory, for the alleged purpose of dominating the entrance to the projected canal, while Mr. Squire simultaneously hastened to Honduras, where he secured from the Government of that republic a concession to the United States of the Tiger Island in the Gulf of Fonseca; and practically, at the same moment, the British expedition took possession of this island to secure payment of a debt in default of the Republic of Honduras.

The victories obtained by the United States in its war with Mexico at that time had aroused the patriotic enthusiasm of the American people, and the Government was assailed by a popular demand for a firmer foreign policy and an energetic protest against the British invasion of Central America. The Secretary of State, Mr. Clayton, seeing the dangers of the situation and the immediate necessity for a retirement of the British forces from the mouth of the River San Juan, at once initiated negotiations with the British Minister in Washington (Mr. Crampton) to arrive at some arrangement with Great Britain in order to prevent an outbreak of war.

The policy of the United States in these negotiations was to secure from Great Britain the renunciation of all her rights over Nicaragua, or at least over the mouth of the River San Juan. To obtain this result the United States was disposed to agree to a community of interests and to a joint control over the canal. That which was sought to be avoided in any form was the exclusive control by Great Britain of the proposed canal. The British Government, inspired by like fears of the United States, entered into the negotiations with a view to preventing the United States from securing a similar exclusive control, so that when it became apparent that these fears were equally groundless in both cases, the way was paved for an honorable settlement of the dispute; and as a result of the changed attitude of the two Governments the first Clayton-Bulwer Treaty was concluded in April, 1850.

The main provisions of this treaty are too well known

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to need recapitulation, but they may be summarized in the stipulations (1) that neither Great Britain nor the United States should be entitled to exclusive control of the proposed canal; (2) that neither country should be entitled to fortify the canal; (3) that neither should occupy, fortify, colonize, or exercise dominion over Nicaragua, Costa Rica, or other parts of Central America; and (4) that these and all the other conditions of the treaty should apply to any other practical means of communication, whether canal or railway, which might be constructed to traverse the Isthmus, and especially to interoceanic communications, by canal or railway which were then proposed to be established by way of Tehuantepec or Panama. After much further correspondence on the subject between the two Governments, the treaty was ratified by the United States Senate by a vote of 42 to 10, Webster, Clay, Seward, and Cass having all voted in its favor.

Notwithstanding that the Clayton-Bulwer Treaty was assumed, at the time of its conclusion, to be a settlement of the main points of difference existing in regard to the construction and control of the proposed canal, frequent misunderstandings occurred in succeeding years in connection with the action of the British authorities, arising out of treaties with Nicaragua, regarding the position of the Mosquito Indians in that country. In 1860 the third of these treaties, known as the Treaty of Managua, was concluded between Great Britain and Nicaragua, with the object of giving a clearer interpretation to various clauses in the Clayton-Bulwer Treaty which had been the subject of conflicting interpretations. Among other things, the Treaty of 1860 provided for a form of semi-independence for the Mosquito Indians under the sovereignty of Nicaragua, subject to certain conditions and guarantees to the British Government in regard to the right of the Indians to observe their domestic regulations and customs. This reservation was for many years the source of constant friction between the British and American Governments, but finally, in 1894, all these difficulties were removed by the decision of the Mosquito Indians, in terms of the Treaty of 1860, to incorporate themselves as citizens of the Republic of Nicaragua.

Thus there remained only the Clayton-Bulwer Treaty as a bar to the United States constructing on its own account

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and under its own control either the Panama or Nicaragua Canal, although conditions had so changed that, subject to the guarantee of complete neutrality and equality in the use of the canal by all nations, no real objections existed to this country carrying out the great enterprise.

During all this time active steps were being taken to secure the construction of the canal. Concessions had been granted to different companies both by the republics of Colombia and Nicaragua, and commissions were appointed by the United States to investigate the merits of the respective routes. Ultimately private negotiations were entered into between Secretary of State Hay and the British Ambassador, Sir Julian Pauncefote, which culminated in February, 1900, in the conclusion of the first Hay-Pauncefote Treaty. The provisions, however, of this treaty led to much opposition in the United States Senate, where it was proposed to introduce amendments which would have been entirely unacceptable to Great Britain. Realizing the possibility of failure in the endeavor to fulfil the long-cherished desire of the American people, Secretary Hay, with characteristic energy and skill, renewed the private negotiations with the British Ambassador, and finally settled, on the 18th of November, 1901, the conditions of the agreement which entirely disposed of all the obstacles created by the Clayton-Bulwer Treaty to the construction by this country of the proposed canal. The second Hay-Pauncefote Treaty was submitted without delay to the Senate for ratification, and on the 16th of December of the same year it was approved by 72 votes to 6.

For the purposes of this sketch, which has for its object the elucidation of the reasons and the consideration to each of the countries for these repeated modifications and surrenders of privileges, the details of what followed in regard to the selection of the route, the purchase of the French company's rights, and the subsequent agreement and rupture with Colombia, may be passed over as events of common and recent knowledge. In the present dispute between this country and Great Britain as to the exemption from the payment of tolls by American coastwise steamers passing through the Canal, and to other points which have become the subject of the British protest, the whole question between the two countries rests upon the interpretation not alone of specified clauses in the treaties of 1850 and 1901, but

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upon the spirit and obvious intentions breathed throughout those instruments.

Surely it cannot be reasonably contended that instead of receiving compensation, Great Britain acceded to a proposal not only to surrender her legal rights, but to the creation of a barrier to the advancement or even to the maintenance of her then, as now, existing commercial interests. The argument that as the United States subsequently acquired ownership of the territory embracing the canal zone and built the canal at her own expense in no way weakens the case established by the facts here recited, for the simple reason that the canal could never have been constructed by the United States with the remotest degree of safety unless the Clayton-Bulwer treaty had been abrogated. Had it been otherwise, there would have been no necessity for the Hay-Pauncefote Treaty, which embodies the principle of the most absolute equality in every respect for all the maritime nations of the world.

Having in view the attitude of the United States in the universal effort to secure arbitration of international disputes and to the explicit instructions upon that point given to its delegates to the two Peace Conferences at The Hague, it cannot be assumed that this country would jeopardize its well-merited prestige in the Council of Nations by a refusal to refer to The Hague Tribunal for settlement a question of treaty interpretation which affects neither its honor nor its independence. It is to be hoped, however, that an adjustment of the matter will be effected, as in previous cases, in a manner satisfactory to both countries through the channels of diplomacy.

LEOPOLD GRAHAME.

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A CONCERTED MOVEMENT OF THE RAILWAYS

BY LOGAN G. McPHERSON

ALTHOUGH agreements among the railways have not met with favor in this country, very nearly all of the principal railway companies entered into a movement somewhat over two years ago that is not likely to meet with popular condemnation. This concerted action will be the better understood through a recountal of the development which led to it.

In the light of popular attitude toward them, the history of the railroads of the United States is of a series of fairly well-defined periods. When the application of steam as motive power on roads of rail was first undertaken there was the incredulity and distrust that greet radical and far-reaching innovation. When the practicability of the steam railway had been demonstrated there was a railway-building mania. Pretty much everybody who had money or who could rake and scrape money together, and towns, cities, and States, put money into railway projects. There ensued an over-building which was a large factor in bringing about the panic of 1857. During the Civil War the usefulness of through routes, constituted of the connected lines of two or more railroads, became manifest. After the war there was a renewed stimulus to railway construction, especially in the Middle West. Men of rugged force utilized in building railroads the labor of thousands of those whom the disbanding of the armies had left without vocation, as Napoleon three generations before had utilized the waste labor of Europe in building the roads across the Alps. Men of grasp who perceived the country's future transformed short local railroads into through lines and coined their foresight into dollars. In many cases the means employed were subordinate to the end attained. There were vast opportunities not only for men of affairs properly so designated, but

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also for the speculative promoter and the financial manipulator, and therefore this was the heyday of the railway buccaneer. Excessive construction and speculation again helped to bring about a panic, that of 1873. After it had run its course, railway-building again outstripped any immediate need.

As railways had been built in advance of traffic there arose an intense competition for business. This was the period when cut rates, rebates, and other stealthy devices spread like the weeds they were. There were discriminations that the railway managers believed to be just. The truth is that they arose in the main from that process of adjustment entailed by the extensions and ramifications of the channels of trade, an adjustment which is still in process. Not only did discriminations whether justifiable or not give rise to complaint, but there was discomfiture because of the loss of large amounts that had been invested in railroad construction, and there was bitterness of feeling, frequently well founded, against promoters, speculators, and manipulators. Wide-spread agitation led to the enactment of the Interstate Commerce Act in 1887, which has been followed by amendments giving the Interstate Commerce Commission greater authority, and by drastic legislation enacted by the separate States for the regulation of the railways.

During the past generation many a railway manager has said that there ought to be public discussion of railway problems by railway men that the people might understand the railway attitude, especially in situations giving rise to contention, and the reasons for that attitude. Virtually all railway managers agreed that this ought to be done, but they were absorbed in work that pressed for attention, immersed in immediate practical problems. Largely because of the lack of such discussion, misunderstanding succeeded misunderstanding. The people came to distrust the railways; the railways came to distrust the people.

The will of the people in this country is supreme, and however misguided they often have thought it, the railway managers have found that it has come in greater and greater degree to assert itself in railway affairs. Therefore, it was borne in upon the minds of railway presidents that instead of simply agreeing there ought to be discussion with the people, it was high time discussion began.

It took the enactment of the Mann-Elkins bill in 1910

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to bring the railways to the consideration of a definite programme. A committee of six railway presidents was appointed, and this committee engaged in analysis and introspection. They quite understood that the railways were unpopular with very nearly the whole people. They reflected, however, that the whole people do not come directly into relation with the railways. Except in populous centers with suburban traffic, but a small fraction of the people take railway journeys with any frequency, and a still smaller fraction are immediate shippers or receivers of freight or have first-hand knowledge of freight rates.

They reflected that a man is judged in the community by the things which he does, that if he is gruff and ungracious in daily intercourse and is not a good neighbor he is apt to be disliked, no matter how essentially upright he may be. They reflected that so also it must be with a railway, and thereupon recommended that each railway be a good neighbor in every community along its lines, that planks in station platforms be nailed down securely, that approaches to freight stations be kept in good order, that details of service be kept as nearly as possible above reasonable criticism, that the local agent take an interest in the affairs of the town, that all employees be courteous in their intercourse with patrons. One of these railway presidents, when vice-president of a Western road, had assigned to an officer of intelligence and adequate authority the duty of going in person to any community where a complaint arose, of investigating, applying a remedy if there were a real grievance, or of explaining the reasons for the attitude of the railway when it did not think the situation ought to be changed. This procedure gave excellent results, and he has followed it with increasing success on the trunk-line of which he is now president. The committee recommended to all of their colleagues that they do likewise.

These six railway presidents reflected that in the absence of accurate information people are likely to believe that which is inaccurate if it is plausibly put before them; that the railways had permitted all sorts of accusations to be made against them in public speeches and in the public prints, usually without making an effort to reply, and that the cumulative effect of these accusations had been considerable. Therefore, they recommended that whenever an unjust accusation or unfounded reflection appeared in a

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newspaper or emanated from a source of influence in any community along the lines of a railway, it spare neither time, trouble, nor expense in bringing the falsity of the accusation home to the source of utterance, to the end that a retraction be secured, or in any event a greater degree of care be exercised thereafter.

It was borne in upon these six railway presidents that the course of railway administration for many years had tended more and more to remove the managing officers from contact with the people; that the formation of the great companies with headquarters in large cities more or less remote from the regions traversed by their lines had centralized the management in the hands of executive officers; that although the most of these men are, and by the very nature of their duties must be, earnest, well disposed, upright, they are not infrequently regarded as ogres by the public at large. An editor of a newspaper in southern Michigan thirty years ago once said that when his town was a station on a local railway every editor along the line knew every officer of that railway; that even when there was not mutual agreement, there was the immediate discussion that brought out the respective viewpoints. When the local railway was absorbed by a larger company, and the administrative headquarters were removed to a great center, where the officers became more and more absorbed in their duties of direction and management, this personal contact waned and vanished. Then it came about that the only intercourse between the newspapers along the line and the railroad was between the local station agent and the local reporter. The local station agent, frequently without information and often forbidden to disclose what he possessed, became distrustful of the reporter. The reporter, bound to "get a story," published rumors and became distrustful of the station agent.

Therefore, it was recommended that officers of the railway companies from the president down mingle in public gatherings and accept invitations to make public addresses; that they take every opportunity when in the different communities served by their lines to become acquainted and have face-to-face discussion with the citizens; that they cultivate and have their local representatives cultivate such cordial intercourse with the newspaper editors and others as would lead to mutual discussion and mutual understanding of matters in interest.

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It was hoped that action along the lines of the foregoing recommendations would tend to bring about a certain measure of neighborly good-will. But these six railway presidents were also obliged to reflect that because of the network of through routes and the relation of this ramifying network to the industry and commerce of the whole country, and because of a certain tendency of the regulating powers to regard the railways from the standpoint of their service to the public collectively rather than from that of their existence as separate corporate entities, it was necessary that the railways at all times be in possession of information in regard to the broader questions of common interest to them enabling intelligent discussion of the facts that would guide them in avoiding error. Recognizing that adequate analysis and elucidation of the various factors entering into the broader questions could best be accomplished through an instrumentality exclusively devoted to their study, this committee of railway presidents established the Bureau of Railway Economics and selected Washington as its headquarters because of the accessibility to the official reports and statistics of the Interstate Commerce Commission and of other departments and bureaus of the Federal Government. It was decreed that the work of the bureau be performed in the spirit of the economist, that its researches be impartial, its compilations strictly accurate, and all of its presentations without bias. Indeed, such stipulation was made by the officers of the bureau before accepting appointments to its staff.

Thus has been outlined the programme recommended by the committee to the railway presidents of the United States in July, 1910. There is now to be considered the extent to which that programme was adopted and carried out and what the results have been. It is not to be implied that all of these recommendations indicated a change in the policy that had been pursued by various railways and by some of them for many years. In fact, they were based in part on the success attained by them. It is beyond question, however, that these recommendations have stimulated the railways to cultivate in greater degree cordial relations with the patrons of their lines and with the public in general. Several of the companies, especially in the West, where the feeling against the railways had become embittered, inaugurated "getting acquainted" trains. The heads of

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the various departments, starting from the headquarters offices of a railway, traversed the entire system, stopping at the principal stations. At each station the agent had been advised in advance to say that the officers would be glad to see as many of the citizens as might care to make their acquaintance and discuss matters of mutual interest. The results are reported to have far exceeded any expectations. At nearly every station representative citizens awaited the special train. Sometimes a meeting was held in the railway station, but frequently it was necessary to adjourn to a convenient hall. Everybody was introduced to everybody else, and the railway officers would ask for frank statements of any complaints that might be entertained against the company. Sometimes genuine grievances were disclosed. As the head of each department was present, there was not the reference from one officer to another that is so often the fate of written communication, but a remedy was applied at once by the head of the department having jurisdiction. Other complaints were threshed out on both sides, and after a statement of the situation from the railway's standpoint many a supposed grievance was found to the satisfaction of the gathering to be without foundation. These " getting acquainted " trains are now run once or twice a year by the railways which inaugurated them. It has happened that the better part of the able-bodied population of a town has met such a train at the station with a brass band. In other parts of the country railways have pursued the quieter but none the less effective procedure of having their officers make a practice of calling individually upon the representative citizens of the various communities for mutual and candid discussion.

The policy of refuting unjust accusations and proving the falsity of unfounded reflections has been pursued with like success. During the last two years few, if any, attacks upon the railways in general have appeared in magazines without the president or an officer of one or another railway requesting the editor to give like prominence to a refutation. Usually the editor has complied in the spirit of fairness, but not always. Men of public prominence who have attacked the railways have been met with rejoinder. When a newspaper has published an article unjustly prejudicial to a railway the editor has been called upon in person. Convincement that he has been in error not

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infrequently leads to retraction; in other cases space has been given to a refutation over the name of a representative of the railway in interest. The traffic official of a Western railway to whom had been assigned the duty of thus replying to newspaper attacks upon his company said that at the beginning this work occupied the greater part of his time, but that in the course of a year it came to require very little, the newspaper editors in his district having attained a sense of responsibility in regard to what was said about the railways which they had never had before.

These recommendations of the committee of six railway presidents have been so carried out that the severe criticism of the railways in general that were rife but a few years ago have greatly diminished and now seldom emanate from responsible sources. Current criticism is, as a rule, at this time more concrete, directed particularly against specific practices. Such criticism pointing out directions of improvement ought always to be welcomed by the railways.

The stimulus toward the coming of the railways to a keener realization of their duties as public servants has been marked by the organization of "safety committees" to impress upon employees that feeling of personal responsibility which is the most effective safeguard against accidents; and of "efficiency committees" to scrutinize operation for the purpose of effecting economies. A crusade has been inaugurated against that trespassing upon railway right-of-way which is the cause of the greater number of the fatalities reported in the accident bulletins of the Interstate Commerce Commission. There has also been a renewed and extended effort toward bringing about a greater diversification of traffic through the extension of industrial agencies which call attention to available sites and business opportunities; and an increasing intensiveness of production has been furthered by the running of demonstration trains accompanied by lecturers, who explain to farmers the processes whereby greater economy and increasing efficiency can be attained in the production of crops. Many railway presidents and other officers have given personal time and effort toward furthering the improvement of the rural highways.

The Bureau of Railway Economics has found a steadily widening field of activity. For the information of its subscribers it has made or has under way analyses of such

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propositions as the parcel post, physical valuation, and railway taxation. For use before the Board of Arbitration in the recent engineers' controversy it made exhaustive compilations showing the effect of various factors in wage increases and in traffic movement; and through first-hand investigation in various cities secured information as to the actual earnings in other vocations of employees whose skill and responsibility are comparable with that of the engineers.

This bureau is continuously engaged in a line of studies designed to develop information as to the broader economic relations of the railways. Its recent bulletin, entitled "Comparison of Capital Values—Agriculture, Manufactures, and the Railways," makes clear from published statistics of the United States Government that the capital value of railway property in the United States is increasing less than half as fast as the capital values of either the agricultural or manufacturing industries and that the percentage of net return on capital in manufactures is over twice as high as on that of the railways.

This bureau is making a comparison of the railway status in the United States with that in the principal countries of Europe, and of this two sections have been published. The first brings out that in proportion to population the United States has from four to five times as many miles of line as either England, France, or Germany; that the ton miles per inhabitant are seven times those of France, while the freight revenues per mile of line are virtually the same; and four times those of Germany, while the freight revenues per mile of line are only a fraction over half as great. The capitalization per mile of line of the railways of the United States is less than one-fifth that of the railways of England and Wales, less than half that of the railways of France, and but little more than half that of the railways of Prussia-Hesse, which are the more important of Germany.

To a comparative study of railway wages and the cost of living the bureau gave extended study and laborious compilation which resulted in its being able to announce, on the basis of official statistics, that "it is well within the truth to estimate in a broad and general way that while the cost of living of a railway employee in the United States is less than fifty per cent. higher than that of a corresponding employee in the United Kingdom or on the Continent, his compensation averages over twice as great."

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Among other studies is one demonstrating that the capitalization per mile of the railways of Texas is less than half of the average for the whole United States; that while in 1909 the average dividend rate on the total railway stock of the United States was but 4.2 per cent., this was more than seventeen times as great as the average dividend on the stock of the Texas railways.

Another study discloses that if account be taken of the capital expenditures on the Erie Canal, of interest charges, extraordinary repairs, and depreciation, in addition to the charges of the boatmen for hauling traffic, the total cost of transportation of a ton of freight on the Erie Canal is at a higher rate per mile than the average rate per ton mile received by any of the railways parallel to it; and these railways, of course, are obliged to meet their capital charges, repairs, and depreciation, as well as the immediate cost of hauling out of their revenue from transportation.

A service performed by this bureau is the publication of a monthly summary of revenues and expenses of the steam railways. This is compiled and computed from the reports made by the railways to the Interstate Commerce Commission for each month. These returns are not presented by individual roads as in financial reports designed mainly for the information of the investor, but by geographical groups in each of which there is an approximate similarity in traffic conditions. Thus the ebb and flow of receipts and of expenses is indicated for the railways of the East, for the railways of the South, and for the railways of the West. The returns are given not only in aggregates for the month, but also per mile of line—the proper unit of measurement and comparison. When it is understood, for example, that during the record-breaking month of August the net operating revenue of the railways as a whole, which is that proportion of their receipts available for taxes, rentals, interest on bonds, appropriations for betterments, and dividends, averaged only $14.11 per day, which is but $1.41 greater for each mile of line for each day than during August, 1911, it is easily comprehended that the railways as a whole have no more than a narrow margin of profit. When it is remembered that throughout 1911 railway managers were bitterly complaining that their expenditures did not leave sufficient margin with which to make needed betterments and attract the capital necessary for the extensions and additions

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requisite to handle the growing traffic of the country, verisimilitude is given to their claim that even the increased traffic of this year does not solve their pressing problems.

These are but a few examples of the manner in which the Bureau of Railway Economics is quietly and unobtrusively rendering a service not only to the railways but to the public. As originally planned, the results of its studies were to be communicated to its subscribers for such use as they might choose to make of them. As the work developed it was urged by many newspaper men that as these studies are of public interest they ought to be made available to the newspaper press. After repeated urging, the bureau entered upon the practice of sending its more important bulletins and brief summaries thereof to editors throughout the United States "for their information, their reference, and their publication if they so desire." The first and foremost aim of the bureau is to be a source of accurate and authentic information; and it is obtaining recognition as such from railway commissioners, from educational institutions, and from the general press.

Not the least important service rendered by the bureau is that of its library. Its librarian has in preparation a complete bibliography, and a volume entitled *Railway Economics: A Collective Catalogue of Books in Fourteen American Libraries* has already been published.

It remains to be said that the programme recommended by the committee of six railway presidents has not been carried out with equal vigor by all of the railways. Those who have been earnest and continuous in the procedure report that there is evidence of a growing mutual good-will between their officers and the people of the communities served by their lines, of an atmosphere in which points of difference can be discussed and, it is to be hoped, adjusted without the acrimony of the past.

The necessity on the part of many railways to observe the most rigid economy stands in the way of their incurring even the additional expense necessary to carry out such a programme. The inertia that tends to pervade large organizations has militated against energetic action on the part of other railways, and it must be admitted that there are still a few railway presidents of the old school who will have nothing to do with such innovation.

LOGAN G. MCPHERSON.

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OUR POLICY IN NICARAGUA AND THE RECENT REVOLUTIONS

BY A FRIEND OF JUSTICE

THE recent revolution in Nicaragua would seem to be the last step in the ruin and degradation of that country. About a year ago the Conservative party now in power took possession of the Government after a bitter struggle. After many hardships and many sanguinary battles that desolated and impoverished the country, they succeeded in driving out Zelaya and depriving of power the Liberal party that had supported him.

As there was just cause for this revolution, and high principle and patriotism apparently animated most of the leaders, it seemed that the new Government would initiate an era of better things in Nicaragua. José S. Zelaya came into power in 1893, and at first he exercised his power justly in accordance with the laws of his country, which are as liberal as those of the most enlightened nations. As he gained a firmer grasp on the country he grew more arbitrary until, as usually happens, he became a military dictator.

A dictatorship founded on the army seems to be the only kind of government that preserves peace for any length of time. It is the logical and suitable method of governing a people, the great majority of whom are but one degree above a state of barbarism, much like the nations of northern Europe in the twelfth and thirteenth centuries.

The mass of the people of the Central American countries are Indians who are in the stage of development that is suited to a government by chiefs or kings; but they have been forced to adopt a republican form of government for which, in their stage of development, they are unsuited.

This form of government, instead of proving a blessing, has, in the case of Nicaragua, proved a curse, as it has promoted wars and revolutions; and unless some principle

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can be found or outside influence be exerted to stop the endless revolutions and give the people a proper chance to develop, the end will be a state of anarchy and the complete impoverishment of the nation.

The two parties that have struggled for the possession of the government in Nicaragua are the Conservatives, who endeavored to keep up the old Spanish régime, and the Liberals. The Conservatives opposed universal manhood suffrage and favored the power of the clergy. Originally most of the old aristocratic families belonged to this party. The Liberal party, in normal times the more numerous and powerful, comprises the more progressive men of the nation. It was this party that brought about the separation from Spain. They advocated manhood suffrage, separation of Church and State, and the advancement of the material wealth of the country.

Both parties have advanced in liberal ideas with the progress of civilization, and it would seem that the only difference between them lies in the fact that one is in power and the other out; and they struggle equally for the possession of the government and the control of the finances. Zelaya was strong enough for many years to hold the chief power in the government, and he gave the country during the greater part of this time the blessings of peace. But in addition to the oppressive measures he was forced to use for self-preservation, he was accused of financial corruption. He was said to have received a great deal of money from the persons or corporations who were granted concessions, a great number of which were granted to foreign capitalists, mostly Americans. Millions of acres of land, with the agricultural and mineral rights, were sold for a nominal sum, and nearly one-fourth of the area of the country was thus given over to foreigners. The people who had grown weary of his despotic power made the concessions one of the causes of starting a revolution to put him out of power.

The revolution started on the east coast in 1909, and the chief cry was, "Down with all concessions!" Most of the Americans on the coast aided the revolutionary party because of Zelaya's oppressive acts, and no doubt some of the Americans were influenced by selfish interests, desiring to see the concessions cancelled so that they could get in on the lands and make "denouncements" for mining and agricultural purposes.

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At the outbreak of the revolution one of Zelaya's best generals, Juan J. Estrada, was governor of Bluefields, and, as his adherence was of great importance to the revolution, it is said a few members of the revolutionary party went to his room at night and, placing a pistol at his head, gave him the choice of death or joining the revolution. Whether this be true or not, General Estrada gave his adherence to the revolution, and he was afterward named the provisional president of Nicaragua when the new government was set up at Bluefields. Zelaya held the interior of the country and the populous west coast; the revolutionists held a narrow strip along the east coast which was practically a wilderness except for Bluefields, a town of fifteen hundred inhabitants, and the settlements along the rivers to the north of Bluefields. The strategic position of the revolutionists was very strong, for the enemy could not get at them except by coming through the wilderness of primeval forests of the interior or by coming down the San Juan River to Greytown and thence up the east coast.

The march through the interior of the country was not possible in the rainy season, which lasts from June until December; and even in the dry season it was one of great difficulty, owing to the lack of roads and to the almost impenetrable growth of trees and underbrush. The few trails to the east coast led through mountain passes and along the rivers, and they were susceptible of easy defense by a small force. The best of these routes was from Lake Nicaragua to the headwaters of the Escondido River and then to Rama, which is about sixty miles by the river to Bluefields. Granada is situated on Lake Nicaragua, and is connected with the capital, Managua, by a railroad. Zelaya would probably have crushed the revolution, as he had the army and the rich west coast back of him, but for an event that aroused the hostility of the United States. This was the execution of two of our citizens, Cannon and Groce, soldiers in arms of the revolutionary party. They were captured in an attempt to blow up a steamer transporting Zelaya's troops down the San Juan River, tried by a drum-head court-martial, and ordered shot by Zelaya. The United States withdrew its recognition of Zelaya and prepared to intervene in Nicaragua.

As the discontent was manifesting itself in various parts of the country, and the gathering of the United States forces

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seemed to be drawing the net around him, Zelaya left the country on a Mexican gunboat in Corinto Harbor. In accordance with a proviso in the constitution, Zelaya "deposited" the power of the government on Dr. Madriz, who was confirmed by the Congress, and he thus became the lawful president of Nicaragua.

The United States Government refused to recognize Dr. Madriz as the constitutional president, as it was claimed he represented the same corrupt men who were in power with Zelaya, though he held the capital of the country and was supported by the great majority of the inhabitants and ruled over three-fourths of the country, including the populous west coast.

The action of the United States gave great encouragement to the revolutionists, and they continued their struggle to get possession of the government. The United States, after Zelaya left the country, assumed publicly an attitude of neutrality, recognizing each party as the *de facto* government in the territories held by them, respectively, but secretly it aided and encouraged the revolutionists and thereby caused their final triumph.

The attitude of the United States was due entirely to self-interest, for it was the policy of the State Department to secretly aid and put in possession of the Nicaraguan Government the revolutionary party, trusting that this party would show its gratitude by favoring the financial plan advocated by the State Department for rehabilitating the finances of the country and in the end placing the country under the virtual protection of the United States and making it a safe field for the investment of American capital. The weakness of the revolutionary party made it absolutely dependent on the support of the United States and it could not have retained power a week had this support been withdrawn. The bankruptcy of the country and the desolation caused by the revolution had prepared the field for the seeds of the so-called "dollar diplomacy" initiated by Secretary Knox, and resistance was hopeless.

Dr. Madriz made preparations to crush the revolution, and an army was sent through the interior to attack Bluefields, but it was met at Rama and defeated by General Mena, a full blooded Indian of large and powerful physique and great natural ability, who held that strategic point.

The revolutionists then made an advance on the western

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country with an army under the command of General Chamorro, and they were routed by the forces of Dr. Madriz at the battle of Tipitapa near Lake Managua early in 1910. Then Dr. Madriz organized an army of four thousand men for another attack on the east coast, and to assist in this attack an old merchant steamer named the *Venus* was bought and mounted with a few guns, and the old gunboat *San Jacinto* put in condition to accompany her.

These two vessels proceeded up the east coast and soon captured and held all the ports on the coast with the exception of Bluefields and its outlying custom-house, situated on the high promontory at the entrance of the bay. The revolutionists now held only Bluefields and the Bluff and Rama.

An army of 3,000 men under General Lara, who was an excellent general and a fierce fighter, was marching through the interior to attack Bluefields. About 1,000 men were marching against Rama, and with all but one of the ports on the east coast in the hands of the Madriz forces, and the sea controlled by their armed vessels, there seemed very little hope for the revolutionists who could not muster more than 1,200 men. General Lara, who was much feared, had threatened to loot and burn Bluefields, and as there were many Americans and considerable American property in the town a force of 120 sailormen was landed from the United States gunboats off the Bluff for their protection. The revolutionists constructed an excellent system of trenches and earthworks on the hills back of the town. Outposts were established and scouts were sent out.

The boats navigating the river were seized for the transportation of men to and from Rama, and every preparation was made for a desperate battle. Negroes at Bluefields who had taken no part in the revolution feared for their homes in case the town was captured and joined the defenders in the trenches. Many of them had seen service in the British West India regiments, and their services were of inestimable value in the battle that followed.

About this time the revolutionists made an effort to destroy the armed vessels of the Madriz forces. They seized one of the Norwegian steamers chartered by an American fruit company and put a field-gun on board and went in search of the *Venus* and the *San Jacinto;* but a defective breech-plug prevented a serious battle, and the Norwegian vessel, after exchanging a few shots with the enemy off Grey-

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town, returned to Bluefields. The Norwegian Government made a vigorous protest and threatened to withdraw all its vessels from Nicaragua, which would have ruined Bluefields, as no other vessels trade there. The United States State Department adjusted the matter, it seems, and the threat was not put into effect; but no more merchant vessels were seized, and the *Venus* and *San Jacinto* held undisputed command of the sea.

In the latter part of May, 1910, the inhabitants of Bluefields were awakened one morning at daylight by the sound of heavy firing at the Bluff and numerous small boats were seen coming rapidly across the bay containing refugees, who told the story of the capture of the Bluff by the land and sea forces of Madriz. The Bluff had been considered impregnable, as it was a high point of land connected by a low and narrow sandy beach with the land to the northward. This narrow beach was the only land approach, and it had been mined and defended by automatic guns. The high bluffs and bold shores made it impossible to land men in boats. In the hands of a well-disciplined force it could have been held against a greatly superior force. It fell into the hands of the Madriz forces who barely outnumbered the defenders, it was claimed, through the treachery of its commander.

When the Bluff fell, the revolution would have been ended if the United States Government had not robbed the Madriz forces of the fruits of their victory by prohibiting the blockade of the port, on the ground that it would interfere with American commerce. Even without blockading the port the revolutionary party would have been compelled to give up the fight if the Madriz forces had been permitted to collect the customs duties on the goods entering the port for Bluefields, for this was their only source of revenue.

The United States Government authorized the passing of all vessels carrying American cargoes by the Bluff under the guns of the Madriz forces with an armed guard of American sailors on board, and the cargoes were landed at an island up the river, where the revolutionary party established their new custom-house. When the Bluff fell General Estrada realized the hopelessness of the struggle, as the only source of revenue, the last custom-house on the coast, had fallen into the hands of the enemy.

He consulted the American consul, and, with tears in his

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eyes and a broken spirit, expressed a desire to surrender and end the useless bloodshed, but he was advised to await the decision of the United States in regard to the blockade and removal of the custom-house. The decision being favorable to the revolution, he continued the struggle.

Thus a second time the action of the United States Government prevented the ending of this ruinous war. The attack on Rama occurred before the attack on Bluefields, and by means of the boats on the river, owned by an American company, the force under General Mena at Rama was strengthened; and the enemy was defeated by that capable general, who retained only a small force to guard that strategic point and sent the rest of them back to Bluefields.

The American naval force practically held the town and defended it on the side of the bay, for the Madriz forces had been notified that no fighting would be allowed within one mile of the town on account of danger to American property. As neither side was equipped to have a sea fight on the bay outside of the one-mile limit, and the American force would not allow fighting within this limit, the revolutionists considered this a sufficient protection on the bay side of the town and put all their men in the trenches back of the town. Thus it is seen that the landing of American sailors strictly for the protection of American life and property aided and strengthened one side in the struggle.

General Chamorro, an excellent general and a man of great courage, was in immediate command of the defenses of Bluefields. This was not his first experience in a revolution, as he had on former occasions led armed revolts against the tyranny of Zelaya. He and Adolfo Diaz were the guiding spirits of the revolution at Bluefields. The latter had been secretary to an American mining company, and he was well liked by all Americans. He had suffered under Zelaya, and the property of his family had been confiscated.

The battle around Bluefields lasted about ten days, and many bullets and some shells fell in the town. The enemy undoubtedly tried to bombard the town, but their artillery was not powerful enough to reach farther than the outskirts, and no one in the town was injured. After several unsuccessful attempts to break through the defenses, and knowing the uselessness of a siege owing to the actions of the United States, the forces of General Lara withdrew.

Had the attack been successful, the position of the Ameri-

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can naval force of 120 men would have been one of great danger, and they would have been unable to keep out a victorious army half starved and animated by an intense hatred of Americans, whom they believed to be the authors of all their woes. Foreseeing the crisis that might arise, 200 marines were brought up from Panama; and, though they did not arrive until the fighting was over, the knowledge that they were on the way was reassuring. The Madriz forces along the east coast, supported by the *Venus* and the *San Jacinto,* held on for a while; but after the failure of the attack on Bluefields, and as the revolutionists were organizing an army to invade the western country, they withdrew from the places they had occupied, and the *Venus* and *San Jacinto* were abandoned in a port of Costa Rica.

The country had been impoverished by the war, and the inhabitants desired peace, as it seemed hopeless to struggle against the power of the United States. The revolutionists met with little opposition from the disheartened forces of Madriz and soon advanced into the western country and took possession of the government. Dr. Madriz fled to Mexico, where he has since died of a broken heart, which his friends attributed to the injustice of the United States.

General Juan J. Estrada and Adolfo Diaz became president and vice-president of the provisional government, and they were later confirmed by a general election. It is taken as a matter of course that the leaders of a successful revolution shall have possession of the government, having won it by the physical force on which all governments ultimately rest. The election as a mere outward conformity to the constitution is easily arranged, for the leaders control it.

Mr. Thomas C. Dawson was sent out by the State Department, and he arranged the terms of an agreement whereby the Nicaraguan Government guaranteed civil and political liberty and agreed to appoint a special court called the Mixed Claims Commission for the adjustment of all claims against the Nicaraguan Government arising out of the war. The United States recognized the Estrada government and a minister was sent to Managua.

It was not given out to the public, but it was a part of the agreement, that the Estrada government would have the treaty passed by the Nicaraguan Congress, which was to be the last step but one in the policy that had governed the attitude of the United States. This policy was the so-called

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"dollar diplomacy" of Secretary Knox, by which the finances of the country were to be rehabilitated by a syndicate of Wall Street bankers, and the custom-houses were to be placed under the control of the United States in order to guarantee the interest on the loan. The syndicate was to advance $1,500,000 at once to establish a bank, and a further sum of $15,000,000 was to be advanced when the United States Senate should have passed the treaty authorizing the custom-houses to be placed under United States control; and the administration of President Taft undertook to use its influence to have this treaty passed.

One of the most important features of the financial plan was the paying off of the large debt owed by Nicaragua to the Ethelburga syndicate, said to be a branch of the Rothschilds of London and Paris, amounting to about $6,000,000. This debt was a probable cause of future trouble, in view of the responsibility of the United States under the Monroe Doctrine and the conditions of affairs in Nicaragua. The Wall Street syndicate was granted important railroad concessions with enormous land grants to develop the country.

The new government of Nicaragua was hardly established when the rivalries of President Estrada, General Mena, and General Chamorro disturbed its harmony. General Chamorro endeavored to control the assembly, which met to formulate a new constitution, in his own interests, and he was opposed by General Mena, who as Minister of War and by reason of the glory he had won in the war was the most powerful and popular man in his party. Mena was friendly with Americans owing to his association with them in the revolution on the east coast, and he hoped to gain their support for his efforts to win the presidency.

The old assembly having been dissolved, the new assembly which had been elected showed the power of Mena to be in the ascendancy, and it elected him president for the term beginning January 1, 1913, nearly two years in the future, a most unusual method of election. This assembly also passed the treaty for placing the custom-houses under the control of the United States, in accordance with the plan of Secretary Knox.

Soon after Estrada became president he got proof that General Mena was plotting to start another revolution to put himself in immediate power, and Estrada removed him from his position as Minister of War and placed him under

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arrest. If the United States minister had supported President Estrada in this effort to preserve his government the career of Mena would have been ended then, and the latest revolution probably would not have been started.

President Estrada, who knew that his position depended upon the support of the United States, went to the American minister and informed him of the situation in regard to General Mena and agreed to leave the matter in the minister's hands, stating that he had no desire but the good of his country and that if he released General Mena he would have to turn the presidency over to Adolfo Diaz and leave the country. It was to the interest of the United States to retain the political aid of General Mena in furtherance of the policy of "dollar diplomacy," and the minister advised the release of General Mena. Estrada left the country, and the vice-president, Adolfo Diaz, became president, or acting president, for Estrada should be still the constitutional president, as he never resigned his power.

Thus the interference of the United States practically deposed the lawful president of the country and sowed the seeds for further trouble, which grew into the revolution headed by General Mena. However well intentioned may have been the minister of the United States, his action made his government largely responsible for the recent trouble.

After the release of General Mena he became more powerful than ever, and it was evident that he intended to control the government and finally put himself in power.

The acting president, Adolfo Diaz, was closely watched by General Mena; and, though they generally appeared in public together and seemed to be friends, it was evident that Adolfo Diaz was virtually a prisoner in Mena's hands.

Adolfo Diaz, with the support of the present United States minister, who relieved the former minister, whose action sent Estrada out of the country, determined to throw off the power of Mena, and he removed him from his post as Minister of War and appointed his friend and the opponent of Mena, General Chamorro, in his place. General Mena, as was inevitable, started a revolution and attacked Managua, which was probably saved from capture by the presence of American sailors and marines.

General Chamorro represents the extreme Conservatives, the narrow men of the party who are opposed to concessions and who hate foreigners generally. General Mena is a Con-

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servative, but he is more liberal than Chamorro, and he has always been friendly to American interests.

The Liberals, who are in normal times the strongest party, have made overtures to General Mena, and they have arisen in Leon, the home of Dr. Madriz, and massacred the government troops. It remains to be seen whether the Liberals will join with their former enemy, General Mena, and make common cause against the Conservative government. The interference of the United States would seem to promote such a combination, for there is no more powerful political cry in Nicaragua than hatred of the United States, as the action of the State Department has succeeded in gaining the hatred of all parties there. The State Department made a serious mistake when it attempted to carry out a definite policy in Nicaragua without the approval of the Senate, for experience should have given warning of the probable refusal of the Senate to sanction such a course and of the sad consequences to Nicaragua in case of failure.

The State Department essayed to carry out a new and far-reaching policy in Nicaragua. In view of the opening of the Panama Canal and the future importance of Central America, and especially of Nicaragua, which has the only other practicable route for a canal which might be dangerous to our interests if in the hands of a powerful country, the time seemed to be opportune for this policy. The object was the control of the country by the United States and the establishing of a stable government under which the wealth of the country could develop, making it a fertile field for the investment of the increasing capital of the United States.

Recently the United States has very actively and forcibly interfered in the affairs of Nicaragua and carried on a war without the authority of Congress under the pretense of protecting American life and property, the same pretense that has been employed to justify its former actions in that country. Thus as soon as Congress adjourned the administration took up the threads of its former use of dollar diplomacy, and by a recent pronunciamento issued by the State Department and appearing in the public press about September 18th, it has disclosed a further view of that policy which may have momentous consequences in our future relations with the Central American countries.

This pronunciamento declares that the United States has a *moral mandate* to preserve the general peace of Central

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America; and that it will support the constitutional governments and protect the interests of American citizens holding concessions in these countries.

In accordance with this policy, it has supported the existing Conservative Government, and it has opposed the revolutionists under General Mena, declaring a fixed purpose to prevent him at all hazards from gaining possession of the government. The armed forces of the United States have taken control of the railroad and boats which are leased by American capitalists.

The power of the United States is maintaining in office the Conservative Government, which is friendly to the carrying out of the "dollar diplomacy." It is thereby maintaining in power a government in opposition to the wishes of the majority of the people, as represented by the more numerous and more powerful Liberal party, which party is animated by an intense hatred of Americans, due to the actions of the United States in the former revolution.

There is great uneasiness among the other Central American countries at this latest development in the attitude of the United States, and it is possible that our Government may find not only the Liberal party of Nicaragua in opposition to its policy, but the whole of Central America combined against it.

The State Department, however honorable its intentions, has acted without authority, and through its lack of power to announce and follow openly its policy it has alienated whatever good-will the people of Central America held for us. The method of interference by the United States in Nicaragua has caused most of the woes of that country. The time has come for Congress to authorize open intervention not alone for the protection of American life and property, but for the sake of humanity, for the purpose of correcting the evils caused by the former action of the State Department and for which this Government is responsible, and for establishing a stable government under which the Nicaraguan people may develop in peace and prosperity until they are fit for self-government. Unless some outside influence intervenes directly and firmly for these purposes, Nicaragua may cease to be a habitable country.

A FRIEND OF JUSTICE.

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TRUST REGULATION

BY ALBERT FINK

I

In view of the apparent unanimity of opinion among many of the leaders of political, industrial, and financial thought, that the time has now come when the National Government should assume some kind of definite control over "Monopolistic Trusts," and among other things regulate the prices at which commodities shall be sold, a casual investigation of this suggestion may not be amiss. The subject would seem, naturally, to divide itself into the following inquiries: 1. What power, if any, exists in the premises? 2. The expediency of the exercise of this power. 3. The solution. It will be the purpose of the present article to deal primarily with the question of power.

The proponents of Federal legislation, looking to the regulation of the prices of trust-controlled or quasi-controlled commodities, seems to rest their belief in such constitutional power of Congress upon a presumed analogy between the fixing of the prices of commodities and the adjustment of transportation rate. In the December, 1911, number of The North American Review Mr. Andrew Carnegie makes the suggestion in the following significant statement: "An industrial court passing upon fair prices as the Interstate Commission passes upon railway rates is all we need." In his "Trust article," published in the *Outlook* of November 18th, in speaking of the extent of the desired control, Colonel Roosevelt expressed the same sentiment: "This control should, if necessary, be pushed in extreme cases to the point of exercising control over monopoly prices, as rates on railways are now controlled." To the same effect was Judge Gary's testimony before the Stanley Investigating Committee.

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The argument upon which these suggestions are made to rest seems syllogistically stated to be about as follows: To fix the rate of transportation is the same as to fix the price of commodities. Congress has power to fix the rate of transportation. Therefore, Congress has power to fix the price of commodities.

If by the minor premise is meant a power to prescribe a fixed, definite rate, it may well be questioned. While it seems to be the general impression among the members of the American Bar that power exists in the National Government to clothe the Interstate Commerce Commission with rate-fixing authority, it is believed that the last word upon this subject has not yet been said. Common carriers by reason of the public character of their business have ever been prohibited from charging unreasonable rates. Thus, even in the absence of statute, carriers may not enforce excessive charges or discriminate unjustly between shippers or markets. The enforcement of this duty by national legislation, and the prohibition of unreasonable or unjust rates or discrimination so far as Interstate Commerce is concerned, may be admitted. But it by no means follows that because Congress has the right to prohibit unreasonable rates it has the power to prescribe or fix rates above or below which the carrier may not charge.

To say that a rate is unreasonable is one thing. To say that it shall be a given fixed amount is quite another. In the one case the exercise of the power is regulative and clearly within the constitutional grant; in the other, it may be the taking of private property without compensation. As was said in the Railroad Commission cases:*

"This power to regulate is not a power to destroy, and limitation is not the equivalent of confiscation. Under pretense of regulating fares and freights, the State cannot require a railroad corporation to carry persons or property without reward; neither can it do that which in law amounts to a taking of private property for public use without just compensation or without due process of law."

Nor is it an answer to this objection to affirm that it cannot be assumed that the rate fixed by the Commission will be unreasonable, and that as to all reasonable rates so fixed the carrier is deprived of nothing, in that it is permitted to charge that which the law allows—a reasonable rate. For inasmuch as there is in many cases a margin above

*116 U. S. 307

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which the rate becomes unreasonably high as against the shipper, and below which confiscatory as against the carrier, it is the obvious privilege of the latter between these extremes to fix its own charge. The prescription of a definite rate in such cases by the Commission would seem to infringe this prerogative. And so, as a rate which is perfectly reasonable to-day may be and frequently is, through changing conditions, unreasonable next week or month, it follows that any law granting to a commission the power to fix such rates as it deems proper, and continue them in force for any given length of time, is a law which will, in its operative effect, result in the imposition upon carriers of a rate admittedly unreasonable.

By way of illustration: A rate of $1.25 on lemons from California to the Eastern seaboard is reasonable to-day. Next month the increase in the value of the product, or other changing conditions easily imagined, renders this rate unreasonably low. Yet the carrier may not increase the rate because it has been fixed by a commission, and is therefore compelled to accept for its services a compensation admittedly unjust. Such a law would seem to take from the carrier its property without compensation. And if it be conceded that a carrier has the right at all times to charge reasonable rates, any law which limits and violates this right must necessarily *pro tanto* be confiscatory and unconstitutional.

Nor is the objection answered by saying that the unreasonable rate shall be enforced for only such time as will enable the fact of its reasonableness to be determined, unless provision is also made for reimbursing the carrier should the rate fixed by the commission prove unreasonably low. For if it should transpire that the contention of the carrier was eventually sustained, very obviously has the latter been deprived during the interim of that to which it was justly entitled. In this connection it is well to remember that of the cases which have come to the courts upon appeal the Interstate Commerce Commission has been reversed in an overwhelming majority, and that had its orders been enforced in the Maximum Rate Cases, pending appeal, it would have cost the interested carriers over $3,000,000 per annum, not one cent of which would they have been able to recover.

The fact that the amendment of June 29, 1906, carried into that of June 18, 1910, permits the Commission, under certain defined circumstances, to " Prescribe what will be the just

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and reasonable rate or rates . . . to be thereafter observed in such cases as the maximum to be charged," and to make an order which may be continued in force for two years " that the carrier . . . shall not thereafter . . . collect . . . in excess of the maximum rate . . . published " proves nothing, for, it is submitted, that if the question of the constitutional power of Congress to enact such legislation in the absence of a provision for reimbursement of the carrier in the event of an ultimate determination that the rate fixed was confiscatory has ever been submitted to the Supreme Court, that tribunal has at least never decided it.

Nor has the Supreme Court ever yet sustained the constitutionality of any law attempting to confer an absolute rate-making power upon the Commission. In the " Social Circle "* and " Maximum Rate Cases,"† decided in 1896 and 1897, such power was denied the Commission under the Act of 1887, though the constitutional point was not raised. And the question as to the power of even Congress itself was expressly reserved in the Northern Securities Case.

Quite recently a unanimous court in commenting on this power said.‡ "A power which, if it obtains, would open a vast field for the exercise of discretion to the destruction of the rights of private property in railroads, and would in effect assert public ownership without any of the responsibilities which ownership would imply." This decision was followed October 5th by that of the Commerce Court§ (also unanimous), holding void an order of the Commission reducing a rate when the reduction was not based upon any unreasonableness of the prior charge, but upon an assumed authority to protect an industry from foreign competition.

The foregoing considerations have put entirely out of view the question as to whether or not, conceding in Congress the power to prescribe rates which shall be charged in the future, Congress would yet have the power to delegate such legislative functions to a commission, for as was said in the "Maximum Rate Case": "It is one thing to inquire whether the rates which have been charged and collected are reasonable—and that is a judicial act; but an entirely different thing to prescribe rates which shall be charged in the future —that is a legislative act." Whether or not the exercise of

* 162 U. S. 184. † 167 U. S. 489.
‡ So. Pac. *vs.* I. C. Co., 219 U. S. 433, Feb. 20, 1911.
§ 190 Fed. 591.

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such power by a commission would be the exercise of purely legislative functions or merely " the filling up of details " under a general provision remains to be determined. Though it is to be noted that the Court said: " Congress might itself prescribe the rates or it might commit to some subordinate tribunal this duty." But this question was not involved in the decision, and the language was used only in relating one of the modes of regulation suggested to and considered by Congress during the passage of the Interstate Commerce Act.

But this is not all. The Commerce Clause of the Constitution is limited by other provisions as they have been judicially construed. And it has been one of the settled doctrines of that instrument that Congress cannot enforce upon the Courts legislative or quasi-legislative administrative functions by the grant of either original or appellate jurisdiction. If a discretionary rate-making power were exercised either by Congress itself or a Commission, here would be a legislative act incapable of review by the Court, except upon the sole ground of its being confiscatory as against the carrier, or extortionate or discriminatory as against the shipper. In all cases where the rate prescribed was neither confiscatory nor extortionate the action of the Commission or Congress must be final and not subject to review by the courts, because the question sought to be reviewed would be neither of law nor of fact, but one wholly within the legislative discretion. The net result would be that in those cases in which Congress, or its Commission, fixed a rate not confiscatory, and yet lower than the carrier might fix without violating the inhibition against extortion, there would be a taking of the property of the carrier by the legislative branch of Government, without possibility of review by the courts, and in apparent violation of both the " Compensation " and " Due Process of Law " clauses of the Fifth Amendment.

As was well said by Senator Bailey in an address before the New York State Bar Association:*

" If the Legislature can say what is a just compensation for a railroad service and prevent the railroad from resorting to the courts to challenge the reasonableness of the rate prescribed, then by the same process of reasoning the Legislature can fix the value of any property which it may authorize the railroad to condemn and deny its owner his day in court."

* January 20 1910.

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Again, it is to be remembered that by the sixth paragraph of the ninth section of Article I. of the Constitution, Congress is prohibited from giving any preference by "*any regulation of commerce*" to the ports of one State over those of another. So long as the carriers are permitted to fix their own rates limited only as to their reasonableness any preference given one port over another is the act of the carrier, and therefore not violative of this clause. But as soon as the Congress, acting either directly or through its Commission, shall assume the rate-making power the regulation ceases to be the act of the carrier and becomes that of Congress. It is true that the late Mr. Justice Moody while Attorney-General expressed a contrary opinion, holding in effect that rates which were in and of themselves reasonable, just, and *impartial,* though fixed by legislative authority, would not be violative of this clause even though they entailed a varying charge per ton per mile. But Victor Morawetz seems to have sustained a different view.* And a careful reading of the Attorney-General's opinion conveys the impression that his conclusion was made to rest upon an assumption that such rates would not in fact be preferential, and so they would not, if "*impartial*" in the sense that they were the same; but that they would not and could not be the same must be conceded, and it is "*any*" preference which is prohibited. To sustain the contention the provision must be construed to mean any *unreasonable* preference. And when it is remembered that the construction of an American freight tariff upon a mileage basis so as to keep the markets of one section of the country open to those of another, and at the same time admit of the carrier's earning even the interest on their bonded indebtedness, is an utter and absolute practical impossibility, it is not quite observed how a rate-making power could be exercised by the Government without violating both the spirit and the letter of the clause in question.

Nor can the matter be disposed of as in a recent decision of the Land Department,† holding that the granting of the right of way for ditches over the public domain for "manufacturing purposes" did not include in its provisions ditches for the generation of electric power, because electricity was "*unknown*" at the time of the passage of the act.

* *Harvard Law Review,* June, 1905.

† 38 L. D. 302.

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But granting *arguendo* the minor premise or assuming that only such regulation of the prices of commodities is desired, as is now exercised with reference to transportation rates — that is, the establishment of a maximum beyond which the charge may not go—does it follow that because the power exists in the one case it exists in the other? In other words, is the fixing of the rate of transportation the same as and equivalent to the fixing of the price of commodities?

Undoubtedly an argument, apparently irresistible in logic, can be constructed to establish the affirmative of this proposition, for it will at once be pointed out that the service rendered by a railroad in the transportation of freight or passengers is in fact a commodity sold by the carrier. From this the conclusion will be drawn that if the power is extant in the one case it must necessarily exist in the other. And if it be suggested that in the one case Congress is dealing with the instrumentalities of commerce, while in the other with its subjects, there will be three answers, each apparently equally conclusive. First, it will be said that the power extends to the one as well as to the other. Secondly, that the commodity of the carrier, its service, is as much the subject of commerce as other merchandise offered for sale; and lastly that the great industrial corporations engaged in the manufacture and interstate distribution of commodities are as much the instrumentalities of commerce as the carriers thereof. Then if it be suggested that the price at which the commodities are sold forms no part of the true definition of commerce, but is merely one of its incidents, the reply will be that such is equally the case with the price at which the service of carriage is performed. Nor can any discrimination be observed between the price at which the commodity is sold and that at which it is carried in their relation to commerce. Both are equally direct.

The result of this seemingly complete analogy must be that either the right to regulate the price at which commodities may be sold must, in fact, exist or the power over transportation rates must have been erroneously assumed. The latter is believed to be the case. The error, if such it be, was probably begot of the urgent necessities of the situation, as well as of a failure to clearly distinguish between powers granted to the Federal Government and those reserved to the States and between commerce and its incidents. At the very threshold of the investigation appears a difficulty in

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pointing out the origin of the error by reason of the peculiar and interesting fact that the precise question seems never to have been presented to the Court for determination. The power of the general Government to inhibit carriers from levying unreasonable charges seems to have been assumed as a matter of course and to have been acquiesced in by bar and bench without protest.

The history of the origin of this assumption seems to have been about as follows: Prior to 1876 the carriers assumed the position that they were immune from any such governmental interference; that their commodities—that is, the price of their service—was private property which they might sell for such price as they saw fit. By the judgment in the "Granger Cases" the contrary was established, though by a divided court, Mr. Justices Strong and Field dissenting. But the decision did not involve any question of Federal control, and was made to rest upon the principle that such power was one of the inherent prerogatives of sovereignty and therefore within the *police power* of the States. Not only this, but in one of the cases presented the question was as to the right of the State to provide by law a maximum of charge for rates of transportation upon property taken up outside the State and brought within or taken up inside and carried without, both propositions, of course, involving interstate traffic. Following the decision in Munn *vs.* Illinois, the Court sustained the contention of the State as a legitimate exercise of the police power, resting the pronouncement in part upon the principle that the matter was local in its nature and that the State might regulate at least until such time as Congress had taken action in the premises.

When the point was next examined in the Wabash Case* a divided Court† in effect reversed this ruling, holding that inasmuch as the rule there stated would work endless confusion in the event of different States prescribing contrary rates for the same transportation, such a construction could not have been within the purview of the Constitution. The Court then established the doctrine that as to all intrastate business the power of regulation was with the State; as to all interstate traffic, with Congress. In 1887 the Interstate Commerce Act was passed, and from that time on it

* 1886—118 U. S. 557.

† Mr. Justices Bradley and Gray and the Chief Justice dissenting.

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seems to have been conceded without question that the rate-fixing power was one properly deducible from the Commerce Clause.

Thus was begotten the notion that there exists in Congress from this clause, so far at least as carriers of interstate traffic are concerned, the same power as is inherent in sovereignty, by reason of its *police power,* a conception which, no matter how justified by expediency, is believed erroneous in principle and an invasion of the powers reserved to the States. And this view is much fortified by a consideration of the circumstances surrounding, and the purposes and motives which compelled the incorporation of, this clause into the Constitution. The primary consideration of the grant was to prevent discrimination by one State against the commerce of another, and as was said by Mr. Madison:*

"It was intended as a negative and a preventive provision against injustice amongst the States themselves, rather than as a power to be used for the positive purposes of the general Government, in which alone, however, the remedial power could be lodged."

But the correctness of the doctrine is of more historical than practical interest, for even if its propriety as to carriers be conceded it does not follow that it must be extended beyond that point. A construction which is demanded by some imperative governmental necessity need not be pressed beyond that precise situation—*a fortiori* is this the case when such extension would involve a conflict with other principles and entail a further invasion of the power reserved to the States. There are, perhaps, many principles which, carried to the limit of their logical conclusions, would result in absurdities or utterly destroy the equilibrium of our dual form of Government. Thus, that under discussion would vest in Congress a power to prescribe the maximum wage beyond which a locomotive engineer might not charge, for no distinction can be made in logic between the service rendered by him and that of the engine he drives. Both are engaged in interstate commerce, both are the agencies thereof, and their relations thereto are identical. Yet the most latitudinarian construction would hardly contend for such power under the Commerce Clause. So, it is believed, that if it can be shown upon principle and authority that the right to regulate the prices of commodities cannot be con-

* Letter to Cabell, February 13, 1829.

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stitutionally sustained, such will be the holding, irrespective of however perfect may be the supposed analogy to the power to prescribe rates of transportation, if such right indeed exists.

"Commerce"—as defined by the great Chief Justice in Gibbons *vs.* Ogden (a definition which, by the way, has been neither enlarged, modified, nor changed since the pronouncement of that judgment) "is traffic, but it is something more—it is intercourse. It describes the commercial intercourse between nations and parts of nations in all its branches and is regulated by prescribing rules for carrying on that intercourse." How can the price at which a given article is sold be said to be "commerce" within this definition. Is it [the price] traffic or intercourse? Is it any part of the branches of intercourse between nations or parts of nations? In the sale of commodities it is the negotiations, the transmission, the delivery, which is commerce, not the particular inducement, consideration, motive, or price upon which parties may have acted. The particular price at which a thing is bought or sold cannot with any show of reason be said to be commerce, but at most can be held as merely one of the incidents thereof.

But it is not to the mere incidents that the Commerce Clause extends, for as was well pointed out by the present Chief Justice:*

"There is a difference between interstate commerce or an instrumentality thereof on the one side and the mere incidents which may attend the carrying on of such commerce on the other. If the power to regulate interstate commerce applied to all the incidents to which such commerce might give rise, and to all the contracts which might be made in the course of its transaction, *that power would impress the entire sphere of mercantile activity in any way connected in trade with the States and would exclude State control over many contracts purely domestic in their nature.*"

And as said by Mr. Justice Holmes,† "Commerce depends upon population, but Congress could not on that ground undertake to regulate marriage and divorce." And by Mr. Justice La Mar:‡

"The buying and selling, and the transportation incident thereto, constitute commerce, and the regulation of commerce in the constitutional sense embraces the regulation at least of such transportation. If it be held that the term includes the regulation of all such manufacturers as are intended to be the subject of commercial transactions in the future,

* 150 U. S. 655. † 24 S. C. R. 468. ‡ 128 U. S. 1.

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it is impossible to deny that it would also include all productive industries that contemplate the same thing. *The result would be that Congress would be invested, to the exclusion of the States, with the power to regulate not only manufactures, but also agriculture, horticulture, stock-raising, domestic fisheries, mining—in short, every branch of human industry.*"

The confusion upon the subject seems to arise from a mistaken impression that anything connected therewith is commerce. Such is not the case. The insurance of merchandise is very intimately connected therewith, but it has been held that a contract of insurance, even though the parties thereto be domiciled in different States, is not commerce.* So where a State had chartered a railway company upon condition of payment by the carrier of a proportion of its receipts from interstate freight (and the argument was advanced that here was a burden upon commerce) the contrary was held.† So a State statute forbidding the consolidation of competing carriers engaged in part in interstate traffic was upheld because not directly affecting commerce.‡ And a contract in restraint of trade between persons engaged in selling cattle imported from different States and destined for distribution to others was held not within the provisions of the Sherman Act because not interstate commerce, and therefore not within the regulating power of Congress.§ The direct purpose of the consolidation of the refineries in the Knight Case¶ was the control of the manufacture of sugar. The monopoly was admitted to the extent of ninety per cent. of the entire business conducted in the United States. Nevertheless, the case was held not within the Sherman Act because not interstate commerce. The Court, speaking through Chief Justice Fuller, said:

"Contracts, combinations, or conspiracies to control domestic enterprise, manufacture, agriculture, mining production in all its forms, *or to raise or lower prices or wages* might unquestionably tend to restrain external as well as domestic trade, but the restraint would be an *indirect result,* however inevitable and whatever its extent, and such result would not necessarily determine the object of the contract, combination, or conspiracy. Slight reflection will show that if the national power extends to all contracts and combinations in manufacture, agriculture, mining, and other productive industries whose ultimate result may affect external commerce, *comparatively little of business operations and affairs would be left for State control.*"

* 8 Wall, 168 † 21 Wall, 456. ‡ 161 U. S. 677.
§ 171 U. S. 578. ¶ 156 U. S. 14.

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In the Green Case* an indictment charging the creation of a monopoly in violation of the Sherman Act was held invalid upon its face because it did not involve interstate commerce. Circuit Judge, afterward Mr. Justice Jackson, in defining commerce, said:

"Neither the production nor manufacture of articles or commodities which constitute the subjects of commerce, nor the preparation for their transportation prior to the commencement of the actual transmission thereof, constitutes that interstate commerce which comes within the regulating power of Congress, *and after the termination of transportation, and the mingling thereof in the general mass of the property in* the State of destination, the sale, distribution, and consumption thereof forms no part of interstate commerce."

And in commenting upon the power of Congress:

"But Congress certainly has not the power or authority under the Commerce Clause, or any other provision of the Constitution, to limit and restrict the right of corporations created by the States, or the citizens of the States, for the acquisition, control, and disposition of property. *Neither can Congress regulate or prescribe the price or prices at which such property or the products thereof shall be sold by the owner or owners, whether corporations or individuals.*"

So tested by the decisions of the Court in cases arising under the taxing power of the States where it has been suggested that the particular tax in question casts a burden upon commerce, it is not quite observed how the power contended for can be sustained. That States may not tax interstate commerce has long been established, even though a similar tax is levied on intrastate commerce. Nevertheless, it has been held that a State may tax property within its borders, though manufactured for shipment beyond, or merchandise imported from another State after it has been incorporated into the general mass of the property of the taxing State for the purposes of use or sale therein, and may even tax property temporarily within its borders for the expenditure of work and labor thereon.

There seems to be little similarity between the power necessary to regulate the prices of commodities sold or offered for sale by private corporations operating under State charters and that sustained in the so-called trust decisions. The principle upon which these cases have been decided is that the acts complained of throttled competition, that free and untrammeled competition was necessary to a healthy commerce, and that anything which tended to embarrass

* 52 Fed. 105.

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the former was a restraint of the latter. In other words, *a restraint of competition was a restraint of trade* within the inhibition of the Sherman Act. This may be conceded *arguendo,* but it does not follow that the fixing of prices of commodities would destroy that restraint of competition which in itself is believed a restraint of trade. On the other hand, it would appear that such action would entail the very opposite effect. *The regulation of the prices of commodities does not tend either directly or indirectly to prevent restraint of trade.* If the American Sugar Company, having a virtual monopoly of refined sugar, is prohibited by law from charging more than a fixed price, say three cents per pound, how does this destroy or tend to destroy restraint of competition?

The competition has already been destroyed *by the acquisition of the monopoly.* Certainly the ten per cent. of independent competitors would not be benefited by prescribing a maximum beyond which the trust could not charge. As the minimum charge will secure the trade, so the fixing of a maximum merely defines the price beyond which the trust cannot sell. But how does this assist the independent? Must he not meet or reduce this price in order to secure the business. As the competition is not destroyed by the selling at a maximum by the trust, but, on the other hand, by underselling, so the remedy must necessarily be *the fixing of a minimum under which the trust could not sell* rather than a maximum beyond which it might not charge, this minimum to be such as to afford competitors a reasonable profit. Thus, then, we have a Commission which, after full hearing, determines that though refined sugar is being sold at a profit at three cents in the open market, this price is so low that it cannot be successfully met by independent competitors. That five cents would be a price at which the independents could realize a reasonable profit. A minimum of five cents is, therefore, fixed by the commission as a figure below which sugar may not be sold. Obviously the law must be uniform in its operation, and affect both the trust and its competitors, for it can hardly be conceived that Congress would have power to tie the hands of one competitor under the Commerce Clause in order to permit another to reap the profits. Thus we have Congress, through its Commission, under the plea of a regulation of commerce, legislating into an article of ordinary necessity a fictitious value in

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excess of that which it really possesses: a tax levied upon the entire community to be offered as a bounty to those who desire entering into competition with the Sugar Trust. And inasmuch as many of the articles of necessity are more or less affected with trust ownership, any general law upon the subject must embrace within its provisions a large proportion of the merchandise of the country now forming the subjects of interstate commerce, thus creating a market based not upon the law of supply and demand, economic conditions, or the cost of production and distribution, but solely upon a fictitious value which in the minds of the members of a Commission is sufficient to enable an independent to compete with such trust-tainted merchandise. *Surely the mere statement of the case should be sufficient.*

Finally, if it be admitted that the price at which the article is sold or offered for sale be commerce, it certainly is not interstate, for the sale of the commodities takes place either in the State of its manufacture prior to its transportation and when it is a part of the general property of the State wherein it is located and thus subject to the local law, or else it takes place in the State to which it has been transmitted for the purpose of distribution, use, and sale, and after it has become incorporated into the general property of that State and subject to its local law. *In neither case can it be quite observed how the sale or the price could be interstate commerce.*

In conclusion, let it be remembered that it is not contended that when any combination or individual secures such control over the manufacture or distribution of a given commodity as to acquire monopoly or quasi-monopoly therein the business remains of a private character. On the contrary, it is believed that under such circumstances the industry becomes as public in its nature and functions as that of common carriage. Nor must it be assumed that it is contended that there is no inherent power in sovereignty to regulate such monopoly, or to prescribe maximum charges beyond which such corporation or individual may not go. Monopolies have ever been held illegal and odious even at common law, and the sovereign power to establish maximum charges and the kind, character, and extent of service to be rendered has long been recognized and fully settled in this country.

The point is that such power is distinctively police, is

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reserved to the States, and not within any of the powers granted to the National Government. It is distinct both in its operation and effect, as well as in the principle upon which it rests, from that granted to Congress under the Commerce Clause.

One remaining question suggests itself as worthy of some comment. Can the Federal Government accomplish by indirection that which it could not do directly? That is to say, could corporations engaged in interstate commerce be compelled to renounce their several State charters and incorporate under a general Federal statute, so as to bring them within the desired control by virtue of the provisions of the new enabling act? Such a suggestion was made by Mr. Samuel Untermeyer in a most interesting article in the REVIEW of July, 1911, where it was said:

> "It is now axiomatic that the power to regulate commerce includes the power to control all the agencies and instrumentalities of commerce. Congress can at any time take unto itself the sole right to charter those engaged in interstate commerce."

This, of course, assumes the power of Congress to prohibit any person or corporation from engaging in interstate or foreign commerce except upon the terms and conditions imposed by it, which in its last analysis amounts simply to this: *the power to regulate includes the power to prohibit.* Here it might be pertinently asked why such power was not granted in terms so that the clause would have read "*regulate or prohibit,*" etc. Certainly regulation does not mean prohibition and is in no sense interchangeable therewith. Prohibition is the larger term, and if the delegation of such power was intended, no sufficient reason can be assigned for the use of the lesser instead of the more comprehensive. It cannot be said that the "fathers" were accustomed in their choice of words to use one when they intended another, and certainly no one familiar with the history of that age would contend that it was ever within the intention of the members of the Constitutional Convention, or the ratifying States, to invest Congress with a power which might by any possible construction enable a general and absolute prohibition of commerce either among the several States or with foreign nations, or put it in the hands of any possible combination of agricultural States to legislate against the interests of those chiefly engaged in commerce. It is true that

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in the Lottery Cases* it was held that the power to regulate might in certain instances, such as the one then under consideration, include the power to prohibit, but the judgment was by a divided court† and the logic was clearly with the minority. And even in the opinion of the majority the language is most guarded, and with the evident purpose of preventing the extension of the doctrine beyond the facts of that particular case, where the traffic complained of had been locally legislated out of most of the States, was admittedly a general nuisance and obnoxious to the moral sense of the entire nation.

But as to the argument that such power necessarily carried with it the power to exclude from commerce any article, commodity, or thing of whatever kind or nature or however useful or available, the Court said:

"It will be time enough to consider the constitutionality of such legislation when we must do so. The power of Congress to regulate commerce among the States, although plenary, cannot be deemed arbitrary, since it is subject to such limitations or restrictions as are prescribed by the Constitution. This power, therefore, may not be exercised so as to infringe rights secured or protected by that instrument."

If there are any privileges secured by the Constitution to the citizens of the several States, whether they be individuals or corporations, it would certainly seem that among those guaranteed would be found the right to engage in commerce among the States or with foreign nations at least in all lawful, useful, and necessary merchandise. If the people of this country desire to give to their Congress powers in addition to those already possessed, clearly the grant should be made by constitutional amendment and not by judicial construction.

* 23 S. C. R. 321.

† Chief Justice Fuller and Mr. Justices Brewer, Shiras, and Peckham dissenting.

ALBERT FINK.

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ST. JOHN HANKIN AND HIS COMEDY OF RECOGNITION

BY P. P. HOWE

THE English drama as Oscar Wilde left it is the English drama that St. John Hankin took up. "I took the drama," wrote Wilde at the end of his life—"I took the drama, the most objective form known to art, and made it as personal a mode of expression as the lyric or sonnet; at the same time I widened its range and enriched its characterization." That Wilde did not do all these things it is needless to say. Wilde made the theater, or found the theater, rather, a perfect vehicle for his own personal wit; in a sense, by producing "Salome" with the one hand and "The Importance of Being Earnest" with the other, he may be said to have widened the theater's range; but certainly he did not proceed, by elevating character into its rightful importance above action, to open up a new path for the contemporary drama. This he left to be done by his successors and as much by St. John Hankin as by any man. Wilde enriched the English theater with one perfectly delightful play, the Continental theater with another play of peculiar beauty, and the theater everywhere with a tradition of wit at any cost that has proved, in the hands of lesser men, an embarrassing possession. He did not enrich at all the theater's characterization if by this we mean the creation of living and recognizable persons, to know whom is to know more of life, and to wonder at it more pleasurably. If Wilde could surprise us, he was well enough pleased; and his way of surprising us was by shining dialogue and by situations so artfully contrived as often to be quite impossible, rather than by the greater artist's way, which is to show us the wonders in the heart of man. At least he *does* surprise us by dialogue and situation, and to do that is out of reach of the journey-

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men. But there is another way that the lesser and more sincere artist than Wilde may take. He may take the beaten path, and by keeping close to character, although he may surprise us very little, he may yet give us the real and constant pleasures of recognition. The advantage of keeping upon this path is that it is the path the great dramatist, when he comes, will inevitably tread, only he will find great surprises in it at every turn. The pioneer dramatist like Hankin (and the beaten path in the arts is always in great need of pioneers), if his bent be gently ironical, will write comedies with an intention very like that of the Restoration writers:

> "Follies to-night we show ne'er lashed before,
> Yet such as nature shows you every hour;
> Nor can the pictures give a just offense,
> For fools are made for jests to men of sense."

Hankin's people—one might almost write Hankin's fools, but not quite—may not, as Mrs. Cheveley in "An Ideal Husband" did, "make great demands on one's curiosity." But then, in reality, neither do Wilde's people in the just sense that Shakespeare's or Sheridan's people do. The complete justification of Hankin's minor comedy of recognition is that Nature shows us such people every hour and that the dramatist has rendered them noteworthy by his own fine sense of dramatic style.

Hankin's work for the theater* took the form of five full-length comedies, two short plays, and some clear-headed and witty criticism. If we look at the plays we shall soon see how close, in 1904, he was to the Wilde tradition:

LADY FARINGFORD *(to Mrs. Jackson)*. "You remember her? She was Stella's governess. Quite an intelligent, good creature. But I dare say you never met her. She never used to come down to dinner. I always think German governesses so much more satisfactory than English. You see, there's never any question about having to treat them as ladies. And then they're always so plain. That's a great advantage. And German is such a useful language; far more useful for a young girl than French. There are so many more books she can be allowed to read in it. French can be learnt later—and should be in my opinion."

MRS. PRATT. "I quite agree with you, Lady Faringford. But the Rector is less strict in these matters. He allowed my girls to begin French directly they went to school at Miss Thursby's. But I'm bound to say they never seem to have learnt any. So perhaps it did no harm."

* Collected edition, *The Dramatic Works of St. John Hankin.* Edited by John Drinkwater. Three volumes. New York: Mitchell & Kennerley,

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MRS. JACKSON. "Yes, I have always heard Miss Thursby's was an excellent school."

But Wilde would never have written "The Return of the Prodigal." He would never have studied so patiently as Hankin did the lesser country houses of Gloucestershire, Leicestershire, and Dorsetshire. Hankin's first play is set in the suburb of Norwood, and in the suburb of Norwood Wilde could never have been prevailed upon to set foot at all. The Duchess of Berwick and her little chatterbox, Lady Stutfield and the Archdeacon, Lady Bracknel and the Honorable Gwendolen were seen for a moment in galvanic action during the London season; their stage counterparts without the wit were already types in the theaters of Wilde's day. Hankin is at no pains to keep his people from appearing types; the vaguely fatuous old lady or the "very pretty girl of twenty-two" is of frequent recurrence; but Lady Faringford and Stella, Lady Denison and Margery, Mrs. Jackson or the Countess of Remenham, may at any moment falsify their author's small hope of them and develop a character. Hankin was happy in this, too, that no sudden success in the theater set him writing plays out of his mere cleverness and facility. He waited, as the wise artist waits, for an idea and then he made a play of it. Five plays with Hankin mean five genuine ideas apt for comedy. A bad Mr. Wetherby, living in a bachelor flat, and a good Mr. Wetherby, living *en famille,* may shake hands over the walnuts and wine and congratulate each other. "My bad reputation is as hollow as your good one. We're both frauds together." A prodigal son so arranges his return that he gets the whip-hand of his family and is enabled to go out into the wilderness again replenished in his resources. An excellent lady and her pretty daughter arrive at an interesting distinction between the false hospitality and the true, in accordance with which they invite a lot of people to their house not because they like them, but "out of kindness," with results that are both dreadful and amusing. A wise little lady of family, whose son has engaged himself to the usual musical-comedy actress, puts into practice, in the belief that "love thrives on opposition," a plan of killing it by kindness—an exercise, almost mathematical in its neatness, in the process of exhaustion. A minor county family that has run all to tarnished family portraits and not at all to brains or character, and now not even to sons, turns out-of-doors the

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daughter who has spirit enough to seek to live her life in her own way; and then when she produces an heir would like to take her back again, but she won't come. The "idea" of a Hankin play is always concrete and well imagined enough to be readily statable in a few words, but its progress is never cluttered up with a lot of unnecessary "ideas." For Hankin is perfectly clear about the essential thing. "It is the dramatist's business," he says, in one of his essays on the plays of other people, "to represent life, not to argue about it."

He is equally clear about the things that make up good stagecraft, the audible and visible things in the dramatist's art that subserve dramatic idea in its illumination of character; but these he did not always achieve so clearly as he may have wished to have done. The critic who finds it comparatively easy to know what he thinks good is liable, when he becomes author, to find himself resting contented with the less good. It is probable that Hankin never wished very consciously for an art of the stage that was much in advance of that which he found around him—no more consciously than Wilde did; but in technical matters, in matters of the general ordering of his stage, his taste was for neatness and the elimination of conventions that were accepted merely because they were easy. His sense of the theater, together with its subtlety, we see very early, when at the final curtain of his first play we have the bad Mr. Wetherby, newly constrained to accept his wife's dominion, and still very easy in his own mind about it, going out carrying "both the bags." In a later play there is a true instance of the way in which the authentic dramatist will secure effect out of the interplay of dialogue with stage possibilities. The Denison family and guests are at dinner, and as the man who looks after the dynamo has been accepted on the same principle as the guests, that of true hospitality—he isn't *really* an electrician—the lights suddenly go out. The ordinarily placid Lady Denison is worried and hopes it isn't going to be one of his bad nights. The lights come on again, and she has no sooner said, "That's better," than they go out afresh. This depresses her, but a moment later the lights recover, have a series of spasms, and finally settle to work again. This is very good; as good as the moment in Wilde's play when Jack, having gone out of the room in great excitement to find the natal hand-bag, a terrible noise

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is heard overhead; "It is stopped now," remarks Lady Bracknel, and immediately the noise is redoubled. We all catch ourselves in these little acts of premature congratulation, and the recognition of other people making themselves ridiculous is always pleasant. In addition, Hankin's touch is a touch of the truest comedy; a great deal of dialogue could not give us with such beautiful precision the full amenity of life in this household where charity begins at home.

But Hankin's plays are not especially notable for their good ordering of the stage. He put up with most of the conventions of the theater as he found them. He suffered his first play to be printed with R. C. and L. C. and R. U. E., like a proposition in Euclid, because he was frankly contented that his play should be acted by amateurs; and amateurs have to be told when and where and how to come on—to "move up" or to "cross" or to "come down"—for otherwise they would not be able to act a piece at all. (Happily, in the new collected edition, the play may be read without these things.) Later, of course, he evolved a form of literary stage direction that is particularly his own; something more must be said of this in a moment. In the mean time we may see, by a glance at any one of the plays, that Hankin was content even at the height of his powers to ask actors and producers to do things that they should not be asked to do by a dramatist who has full mastery over his art. In "The Return of the Prodigal" there is a love scene at one side of the stage while, we are told, "*everybody else is immersed in conversation*"—conversation that goes, nevertheless, by one of the most popular and arbitrary conventions of the stage, unreported. Shakespeare has no stage directions that are of guidance on this point,but he,of course, did not pretend to observe the new unity of the stage that, with its retirement within the picture-frame, has come by general consent to be desirable. By the time of the Restoration, however, we may read in several dramatists the direction, "*They talk in dumb show*"—that is to say, one pair of characters has been made to relapse into a sudden silence, not because in reality they would have done so, but factitiously, in order that another pair may have the center of the stage. This expedient of convenience is a characteristic part of the Pinero technique; and in "The Cassilis Engagement" we read, sure enough, "*They converse in dumb show,*" while

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another couple "come down stage" and engage our ear. There is, of course, no question of right or wrong in this; merely the confession that the dramatist has taken the easiest way instead of conquering an unnecessary convention, for "to conquer an unnecessary convention is one of the greatest delights of an art; to loyally accept and work within a necessary convention is no less a delight"—a remark that Mr. Henry Arthur Jones made once, but did not proceed conspicuously to exemplify. Much depends upon what are the necessary conventions. But here is Hankin, in illustration of the general willingness we have found in him to be upon the side of good sense and economy in technical matters, doing very much better only a few minutes earlier in the same play. Major Warrington and Ethel, it will be remembered, have just been having a rather intimate little talk together. Meantime (we read):

"Lady Remenham has been conversing in an undertone with Mr. Herries, occasionally glancing over her shoulder at the other two. In the sudden hush which follows Warrington's movement toward the fireplace her voice suddenly becomes alarmingly audible."

LADY REMENHAM. "Such a common little thing, too! And *I* don't even call her pretty."

This is at least an admission of the claims of good technique and an honest attempt at their satisfaction; it is a scene that need not distress the best of producers. In itself—and Hankin's work is full of instances of such honest good workmanship—it is an advance on anything Wilde saw to be necessary, who would crowd his stage with conversational groups and bring out one after another into audibility like couples circulating on a merry-go-round, while any necessary business that there might be to be considered he would generally impart quite naïvely in a soliloquy. Hankin is never guilty of soliloquy—or almost never. Janet de Mullin remarks "under her breath," it is true, "Monty Bulstead engaged!"—a lapse which gives us a bad quarter of a minute in an otherwise good play. But Hankin's returned prodigal, having safely secured admission to the family drawing-room and everybody having run in various directions in search of restoratives, does not get up and tell us all about himself. Oh no! He takes advantage of the moment to "raise himself cautiously from his recumbent posture and wring out the bandage on his forehead, which he finds disagreeably wet." This done, he hears the sound of returning footsteps

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and "resumes his fainting condition." Everything about the prodigal is revealed in due order and with a proper piquancy; this moment is used in masterly fashion and is a true instance of Hankin's faculty of quietly humorous surprise. It is a moment of very good comedy indeed.

We cannot go further without considering the general question of stage directions. Every play that can be read (and every good play can be read, make no mistake about that!) must make plain to the reader by means of commentary upon the words and actions of the persons all those things which in the theater would be made plain to the spectator by the actor's art and by the constant co-operating service of the stage. Drama is one-half a matter of visual demonstration: a blind man sitting in a theater could take away only one half of a true play's content; and to read the bare printed words of a play is to be in the position of the blind man. The function of the printed stage directions is to supply all that difference between what would be apprehended by the blind man and what would be apprehended by the spectator with the whole quintet of his senses about him. But their function is not to supply more. Mr. Shaw's stage directions do supply more; they will give us the appearance of the front steps, of the entrance-hall, and of the staircase of a house, of which in the theater we see only the interior of one room; and when we get to this room the stage directions will describe it, perhaps, from the point of view of a supernaturally observant sparrow on the window-sill. Mr. Shaw's stage directions do not stop short of giving us the whole flora and fauna of the neighborhood, together with the prevailing political opinion and the amount of the water-rate. But Mr. Shaw's narrative excursions are not in any strict sense stage directions at all; they are delightfully readable, and he could no more issue a play without them than he could issue a play without a preface. Hankin, who did issue a Play without a Preface, hit upon a very happy mean between Mr. Shaw's narrative excursions and the alphabetical efforts of the school whose plays looked like a proposition in Euclid or a handbook of instructions for one desirous of becoming proficient in the Morse code. His stage directions, besides adding to our pleasure by the neatly pointed wit of their expression, do really achieve their true function by giving us exactly, or almost exactly, what we miss through not seeing the play in

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the theater. The best moment in the best of Hankin's comedies is thus one in which dialogue plays a small part. Ethel Borridge, bored stiff in the Cassilis drawing-room and rendered quite reckless by the German ballad Mabel has just sung very prettily, determines to show these people what *she* can do. She plunges into a "refined ditty," in which the Hankin who wrote "Lost Masterpieces" has caught quite perfectly the style of the less than first-rate music-hall article. The effect is critical:

MAJOR WARRINGTON. "Splendid, by Jove! Capital!"

"That, however, is clearly not the opinion of the rest of the listeners, for the song has what is called a 'mixed' reception. The ladies, for the most part, had originally settled themselves into their places prepared to listen to anything which was set before them with polite indifference. A few bars, however, suffice to convince them of the impossibility of that attitude. Lady Remenham, who is sitting on the sofa by Lady Marchmont, exchanges a horrified glance with that lady and with Mrs. Herries on the other side of the room. Mabel looks uncomfortable. The Rector feigns abstraction. Mrs. Cassilis remains calm and sweet, but avoids every one's eye, and more particularly Geoffrey's, who looks intensely miserable. But Warrington enjoys himself thoroughly, and as for Mrs. Borridge, her satisfaction is unmeasured. She beats time to the final chorus, wagging her old head and joining in stentorian accents, finally jumping up from her chair, clapping her hands, and crying, 'That's right, Eth. Give 'em another.' In fact, she feels that the song has been a complete triumph for her daughter and a startling vindication of old Jenkins's good opinion of her powers. Suddenly, however, she becomes conscious of the horrified silence which surrounds her. The cheers die away on her lips. She looks round the room dazed and almost frightened, then hurriedly reseats herself in her chair, from which she has risen in her excitement, straightens her wig, and—there is an awful pause."

Here we are told—very well told—everything we need to know and nothing that we need not. If we have an ounce of imagination we can see the whole scene for ourselves; but no foolish attempt is made to leave nothing to the imagination. To understand how well and surely this scene is done we have to read not only in the stage directions of other dramatists, but in those of Hankin himself. He is not always, as we have seen, equally sure of himself; if he had been quite as conscious as he might have been that the burden of the dramatist's directions is merely What the Actor Has to Show and nothing else, he would hardly have set Margery Denison the task of showing that she was "quite unconscious of her mother's agitation, as she sat too far from her at luncheon to notice that she was not in her usual spirits" Margery, by her demeanor in the drawing-room,

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could hardly be expected to show all that. No, Hankin is here frankly telling us something—as frankly in his own interpolated person as when he tells us somewhere else in the same play that Verreker does not like Hylton, "I'm afraid." This is, however, the defect of a quality. Hankin really did believe in the drama as "the most objective form known to art." He is determined that his people shall stand upon their own feet; and, in the light of this admirable determination, his affectation that he knows no more about them than does the reader or spectator is seen to be an amiable little pose.

Of course an absolute objectivity is as impossible in drama as in any other of the arts. Hankin himself is not forever speaking through the mouths of his people, as Mr. Shaw is, reducing them to mere *raisonneurs;* but in their every utterance there is something of his own sense of style and form—his people bear the impress of their author or they would not be his people at all. The most realistic of artists has thus to put shape upon events and speeches or he is no artist. It is probable that Hankin was not a very conscious realist; but because he kept character in the forefront and refused to give in to what was sentimentally expected of him, he was able to make that scene of Ethel shocking her fiancé's drawing-room as truthful a scene as any on the modern stage. We see most clearly his views on objectivity in drama in the essay already quoted "On Happy Endings." Being content to represent life and not wishing to argue about it, he need not "end," as the writer with a thesis wishes to end. His plays have each the neatness and inevitability of a theorem or proposition, but at the end of them there is no Q. E. F. or Q. E. D. This is what he set out to do with his plays:

> "I select an episode in the life of one of my characters or a group of characters, when something of importance to their future has to be decided, and I ring up my curtain. Having shown how it was decided and why it was so decided, I ring it down again. The episode is over, and with it the play. The end is 'inconclusive' in the sense that it proves nothing. Why should it?"

Why should it, indeed? Does not "Le Misanthrope" of Molière end with the words, "Come, madam, let us leave no stone unturned to hinder the plan he has in view"? Inconclusive words, and yet we are left in no discontent because the play is quite certainly over. It is a different matter

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from the ending on a question mark (which is thought to be so clever just now) for no other reason than that the writer has not skill enough to bring his play to a proper end. Hankin, who took the liberty before he wrote plays of his own of showing in his "Dramtic Sequels" that other people's plays need not have ended so soon as they did, showed, in his own turn, that plays need not go on so long. They might stop short of wedding-bells. His own do invariably; partly because to end thus pleased his amiable cynicism, partly because to end thus was quite right. One play, his first, he spoiled. After first begging the question ("I wonder how you two ever came to marry"), the courage of his cynicism failed him, and he flattered the amateurs by reuniting his Constantia and his Dick. Afterward the endings are uniformly "inconclusive" and uniformly right; the disturbing person, having fluttered the dovecote—Eustace or Verreker or Ethel Borridge or Janet de Mullin—goes out, and the dovecote settles once more into its lazy and unimaginative peace. The country house is at rest again; free to take cold baths and to shoot partridges, to crochet counterpanes for the sick, and to manipulate orphans into asylums. That is the true ending for the people Hankin chose to depict. The interesting, disturbing people generally do disappear. There is nothing more manifestly recognizable in Hankin than the truthfulness of his endings.

The chief defect in Hankin's plays is their lack of emotional momentum. His comedy is as minor as is that of the Restoration writers, but what he makes up in sincerity they made up in splendid, spirited speech. "How pleasant is resenting an injury without passion," says Sir Harry Wildair, a damnable sentiment stated quite beautifully; and Hankin's people always do everything "without passion." Their author doubtless felt it was pleasanter so. His inability, after he has given his people life, to give them ardor, does not matter much until we come to Janet de Mullin, whose tirade against her family sounds a little thin and tiny for lack of her eagerness in life having been made real to us. Hankin's last play is in many ways his ablest; but on the title-page of his first play he wrote a line from Horace Walpole—"life is a comedy to those who think, a tragedy to those who feel"—that retained its application to his own work to the end. For Hankin thought his way successfully through most of his comedies; but the theme of

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"The Last of the De Mullins" is one that demands more feeling than he was able to give it. "Then I met—never mind. And I fell in love with him. Or perhaps I only fell in love with love," says Janet. It is a subject for feeling; but we feel it no more than we feel the "One may like the love and despise the lover, I hope," of Farquhar's pert Melinda. It would not, however, be quite true to say that Hankin worked with his brain alone; numberless touches that we recognize for their emotional truthfulness would have been beyond him so; there are passages like the following with sufficient feeling:

GEOFFREY *(picking rose and bringing it to Ethel)*. "A rose for the prettiest girl in England."

ETHEL. "Oh, Geoff, do you think so?"

GEOFFREY. "Of course. The prettiest and the best." [Takes her hand.]

ETHEL. "You do really love me, Geoff, don't you?"

GEOFFREY. "Do you doubt it?" [Kisses her.]

ETHEL. "No; you're much too good to me, you know."

GEOFFREY. "Nonsense, darling."

ETHEL. "It's the truth. You're a gentleman and rich and have fine friends, while mother and I are common as common."

GEOFFREY *(firmly)*. "You're *not*."

ETHEL. "Oh yes, we are. Of course I've been to school and been taught things. But what's education? It can't alter how we're made, can it? And she and I are the same underneath."

GEOFFREY. "Ethel, you're not to say such things or to think them."

ETHEL. "But they're true, Geoff."

GEOFFREY. "They're *not*. [Kisses her.] Say they're not."

ETHEL *(shakes her head)*. "No."

GEOFFREY. "Say they're *not*. [Kisses her.] *Not!*"

ETHEL. "Very well. They're not."

GEOFFREY. "That's right. [Kiss.] There's a reward."

The last thing to leave Hankin's hand, "The Constant Lover," is all as good as this—a beautifully sustained trifle, very amiable, rather cynical, and very human. Fortunately, being in one act, it has only one curtain. Hankin's final curtains are always good, but he often fails at his intermediate curtains because of his lack of emotional momentum. For it is the fact that criticism may test a dramatist most surely at the moment when he is ringing down his intermediate curtain; it has merely to ask itself the questions: Do I want this play to go on? Is the veil that is coming between me and this uncompleted world almost intolerable? It should be, except at the last, when its very inevitability should of course be satisfying. By however little the dramatist may have left the beaten path of every-

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day experience, here, nevertheless, is a moment that must have been so contrived as to "make great demands on one's curiosity." With Hankin, it must be said, one is not so anxious as one should be for the play to go on. Of course, one wants his plays to go on; they would be unreadable otherwise or unable to hold their place in their theater, which emphatically is not the case. But one is a little—what shall we say?—subdued in one's eagerness. Partly this is because the plays, by their nature, hold no great surprise; they will work out; we know they will work out; we know the prodigal will return to the wilderness, the Cassilis engagement end in only one way. Essentially the pleasure of recognition we have in his work is of two kinds—the pleasure of meeting people we know, the pleasure of seeing the episode in which Hankin has involved them come to its logical end. This end will not surprise us; there is no great crisis being at each curtain cleverly deferred. It is a patient, amiable enjoyment that a Hankin play offers. But it might well have a greater, a more steadily growing momentum. This comes in only with true feeling, and the measure of its absence in Hankin is the measure of the difference of his drama from the greatest.

Nevertheless, there are two acts quite perfectly ended: the first act of the "De Mullins," with its skilfully contrived passage between the sisters, and the first act of "The Cassilis Engagement"—"Marry her! Nonsense, my dear Margaret." These are evidence once more of the good things Hankin could do, for which his work will always be valued. He could be quite heartless, as when he is emphasizing some one's "fatuity" or in the uncharitable episode of the maid Anson in the charitable comedy; and then again he could make real a Mrs. Cassilis or an Ethel or a Mrs. Jackson, which no merely clever man could do. At any moment, too, he may demand our pleasure by the gently reminiscent skill with which he reminds us that if we breakfast in our room the crumbs get into our bed, or that it is the custom after a really terrible experience to thank our hostess for such a pleasant evening. It is a quality that is near at least to the humor that is universal. By an accident of commercial orgazination Hankin's work has been kept from the general theater; but it will find its place there, and it will keep its place because it will continue to give this pleasure.

P. P. Howe.

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THE BERGSON METHOD CONFIRMED

BY J. W. T. MASON

"But a philosophy of this kind will not be made in a day. . . . It will only be built up by the collective and progressive effort of many thinkers, of many observers also, completing, correcting, and improving one another. So the present essay . . . simply desires to define the method, and to permit a glimpse on some essential points, of the possibility of its application."—Bergson's *Creative Evolution*, p. xiv.

For the progressive elaboration of any philosophy the prime essential is the establishment of a workable method. If Bergson is right in pronouncing the exploration of Reality to be impossible except by the efforts of many investigators, co-ordinate and complementary results cannot be expected unless there exists a method available for general use.

But no philosophic method can be accepted as proven on the indorsement of those who, knowing the method and its initial consequences as the work of one man, claim the ability to duplicate his performance or to augment his avowals. For what is to prevent the assumption that these voluntary guarantors do no more than echo the master's voice? How evade the possible inference that the disciples are hypnotized by the prophet and their further evidence of his claims is but a kind of unconscious, temperamental collusion?

Any method of philosophy resting on the affirmations of a single individual may arouse suspicion that its product is no more than a congeries of guesses, each guess heaped upon others, and all clinging in outward order solely because the speculations have emanated from one source. A method, before it can be regarded as dependable, must be shown to be at the disposal of unallied operators. It differs from the haphazard only when results, obtained not in concert, reveal themselves as harmonious. Whether or not pragmatism is a sufficient illuminant of verity in all things, it seems to be the only possible test of method, for the efficiency

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of a method can be demonstrated only if it works—if similar conclusions reward isolated inquirers.

J. M'Kellar Stewart maintains that the Bergson method is incapable of being followed, or even of being stated as a method, because no rules can be laid down for analyzing intuition.* And perhaps this is the most representative objection to Bergsonism. It does not necessarily follow, however, that because implements for examining intuition itself are not at present available the intuitional method is incapable of use.

A. D. Lindsay suggests that the mode of verifying historical inquiry may be extended to the Bergson method, which, by this rule, can be known to be true if it enables us to understand and have insight into the facts of science.† But the test seems inadequate, because the vital concerns of life do not find audiences in that impersonal mood which historians of the past expect to encounter. When the present is involved, understanding and insight depend primarily on emphasis and temperament, the same facts leading to different understandings and different insights, as party government testifies. The sole interest of philosophy, so far as men at large are concerned, is with the life which now is being lived. The objective is to determine which of the many understandings and insights based on the same facts are true: and the only present test of the method would seem to be the facility with which it can be operated independently to give like and complementary results.

Suppose an inquirer into Reality, having no knowledge of Bergson, were to establish claims similar to those that have issued from the Collège de France; suppose the new philosophy of life as creative evolution, of Duration as one with Creation, of the limitations of scientific and conceptual knowledge, of the difference between instinct and intellect, of a world broken to intellectuality, but in its reality interpenetrating, be found not only in the writings of Bergson, but also in a volume compiled in complete ignorance of Bergson's investigations—what then?

Would not the inference be justified that Bergsonism is more than an intricately complex series of guesses? And if, furthermore, each of the two explorers of Reality while following the pathway marked by intuition, had moved in

* *Critical Exposition of Bergson's Philosophy,* pp. 292–93.

† *The Philosophy of Bergson,* pp. 239–41.

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different directions, one working through Life and the other through Death, would not that confirm the existence of a consistent method which may be used, as Bergson says, by many thinkers and observers, "completing, correcting, and improving one another?"

Let any philosophic student be asked to specify the source of these sentences:

"Life itself is eternal. There is in that life a principle which is creative."

"The ever-repeated creation is genesis, a constant Becoming."

"Insulation and stability are only relative; nothing is permanently held aloof from the general circulation."

"Our host we have to reckon with is not Logic, but Life."

"Life creative, genetic, transcending causation."

"Life seeks difficulty and . . . involves at every stage of increasing complexity greater difficulty and more frequent and varied risk."

"But for the upholding and sure efficiency of vital destination, life would be at a loss at every critical turn."

"We may not regard the human species as evolved from any other."

"In the first development of human intelligence, the rational is differentiated from the instinctive, involving a peculiar weakness and also a peculiar strength."

"Man in his psychical progress largely surrenders the instinct common to all other animals, thus limiting his knowledge, . . . limiting his action also within the scope of design and invention."

"Science . . . tends to wholly ignore the principle of creative life."

"Generally the terms of science are unvital. . . . Science is confined to a formal conception of existence, and is concerned with quantity . . . rather than with quality."

"Form hides the formative; and form, persistent and held in apparent suspense, veils transformation."

"Transformation is essentially genetic, creative."

"The new integration is not explicable through what precedes it; it would be truer to say that it is the explication of all its antecedents."

"Life, in these outer courts of its temple, seems to deny its essential attributes."

"The sign of life within the veil of the temple seems reversed in the outer courts, becoming the contradictory sign. The flexible, the flowing, the spontaneous becomes there the fixed, the arbitrary, the inflexible."

"Man comes into a world . . . of interrupted currents and of apparent stabilities . . . and this broken world he still further breaks; his mind is a prism, and what to his vision is already partial becomes more discreet in his analysis and most articulate in his speech."

"Matter is not acted upon by other matter, as indicated in the statement of physical laws, or a spirit by other spirits; the action . . . is *in* each, but *of* all. There is no dominion of quantity."

"If we could see the entire synthesis in all its correspondences, the attunement would be manifest, and we would not think of one part as acting upon another, but of all as a living symphony."

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"The ultimate mysticism will be . . . one with native intuition, but including a perspective commensurate with the visible universe."

The unhesitating assumption of the philosopher answering the query of the origin of this theory of life would be wrong: the sentences were published twelve years before Bergson wrote *Creative Evolution* and twelve months before the appearance of *Matter and Memory*. They are extracts from a volume quite unknown in philosophic cloisters, yet a volume necessitating close scrutiny there, for by its remarkable similarity to the Bergsonian vision it seems to confirm the correctness of the intuitional method.

Who, cognizant of the philosophical upheaval shouldered in the Collège de France, has heard of *A Study of Death*,* by Henry Mills Alden, dean of the American editorial world, for forty-three years editor of *Harper's Magazine*, and the monthly penman of the "Editor's Study" in that publication? And yet the little octavo volume of 327 pages is filled with substantiating evidence that Bergsonism must be more than a guess, as it is shown to be more than the isolated intuitions of an individual Frenchman.

Most important fact in Bergson's and Alden's unity of vision is that the entry of each into inner Reality has been through different channels owing to their dissimilarity of equipment. Bergson is a trained philosopher, a deeply learned psychologist, mentally possessing all the necessary apparatus to test life with the most approved professional instruments. Alden is an editor with a theological training, possessing an extraordinary insight into the meaning of words. Primarily he has explored those realities which are lived, that he might sit in judgment on the intuitive art of the novelist, the poet, the essayist. Bergson plunges into the living stream as an impersonal professional investigator; Alden moves with the current not impelled by the driving force of psychological professionalism, but urged forward, rather, by the impetus of deep religious feeling.

Bergson, familiar with all the devices of psycho-physics, intimately acquainted with the successes and failures of psychology, thoroughly at home among the intricacies of those "indestructible ruins," as Mr. Balfour calls them, of past philosophic systems, is able to apply tests to his own views

* Published by Harper's in 1895, reprinted in 1903. The quotations given above are from pp. 221, 68, 79, 168, 167, 111, 157, 117, 147, 198, 73, 74, 88, 68, 93, 127, 175, 125, 145, 193, 54.

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of Reality with amazing rigor. Alden, differently equipped, has made no such onslaught on antagonistic philosophic schools. He does not directly destroy, as does Bergson. He simply describes his own discernments in the vital flux.

A bond of unity, however, is the poetic power each possesses, for the spirit of a prose which seems to speak as the voice of vision dominates *A Study of Death,* as it does *Creative Evolution.* There is another link also. We know on the authority of the late William James* that it was Bergson's revolt against mathematical dogmatism which led him to raise his new standard; while Alden so disliked formalism that he sacrificed full honors at his university by eliminating higher mathematics from his course.†

Alden turned from a conceptual observation of Reality because of the natural trend of his thought. Bergson revolted because, having a full comprehension of conceptual systems, he found them unable to satisfy his longings. This difference reveals itself in their writings. Alden's volume was not published for the same purpose as Bergson's. *A Study of Death* is not a text-book. It rests on the shelves of liberal theologians, perhaps, or is in possession of one who has sought within its covers consolation for the passing of a beloved. It makes no attempt to formulate foundations of a system, nor to outline a method. More than anything else, it shows one man's way of reading life. Not his way of disproving the views of others, but simply a revelation of his own vision.

Hence while Alden undoubtedly anticipated many of the leading principles of Bergsonism, the proofs, the polemics, the *whys* have been indicated by Bergson alone.‡ William James has called attention to the similarity of thought in Bergson's and Charles S. Peirce's writings.§ But James was unable to see the meaning of Peirce until he had read Bergson. Similarly Bergson is necessary for a full understanding of Alden. So to assert that Alden antedated Berg-

* *A Pluralistic Universe,* p. 227.

† *The House of Harper,* p. 217.

‡ For instance, while Alden's intuition reveals a world of inner continuity, broken to the human mind, Alden does not go further, and offer the explanation, as does Bergson, that this is possible because there are degrees of spatiality and because matter and intellect have progressively adjusted themselves to each other, as the inversion of the same original movement of supra-consciousness.

§ *A Pluralistic Universe,* appendix C.

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son is in no way to seek to detract from the honors of the latter. It is not a question of honor or priority of insight at all. The essential point is that two independent thinkers, setting forth to examine the living life, have had the self-same revolutionary vision. Alden's explorations of the vital flux are much more thorough than are the results set forth in the brief papers of Peirce, and his statements are much nearer the very words of Bergson than are the terms created by Peirce's difficult style. It will be through a comparison of Alden and Bergson, much more than by co-ordinating Bergson's and Peirce's texts, that proof will become apparent of the possibility of independent workers using the intuitive method without conflict of results.

Whoso seeks for Bergson's deep psychological analysis in the pages of Alden will not find it. Whoso searches for similarity of vital results gathered from the living current will make the discovery on almost every page of *A Study of Death*. A brief examination of some of the approximations in vision shows how close is the essential thought. Witness even the resemblance of simile in the two descriptions of the organic's appearance amid the inorganic:

ALDEN	BERGSON
"Whatever of descent there may seem to have been from the ethereal estate of nebulous flame to that of the mute insensate crust of the earth, we cannot but regard the progression of cell-life as an ascension, as if from the cinders of extinguished fires some new flame had arisen, more nearly imaging the flame of the Spirit."*	"We catch a glimpse of a simple process, an action which is making itself across an action of the same kind which is unmaking itself, like the fiery path torn by the last rocket of a fireworks display through the black cinders of the spent rockets that are falling dead."†

The Bergsonian insistence upon change, as distinct from the appearance of stability, is the key-note of Alden's inquiry into death. Change itself, says Alden, is unspecialized death, and belongs to any life (p. 55). Death is of "the action and reaction proper to life itself whereby it forever springs freshly from its source" (p. 13). By the vital action and reaction Alden does not mean two distinct movements. The one is in the other and they cannot be separated (p. 86).

"No predication we make concerning the action and reaction as seen in the visible world—a world of suspense, where beginning and end are regarded as separate—is applicable to the invisible genesis, where death

* *A Study of Death*, p. 115.

† *Creative Evolution*, p. 251.

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and birth (if these terms could there be used) are inseparable." (Pp. 141–2.)

Death is " the vast inbreathing of the Spirit of God for His ever-repeated fiat of Creation " (p. 21). The secret is genetic (p. 24).

" We need to carry this idea of Death as associated with Creation and Transformation, into our study of visible existence; otherwise the claims of philosophy as well as of faith are likely to be sacrificed to those of a science which, in its persistent specialization, tends to wholly ignore the principle of creative life." (P. 73.)

His study of death as associated with transformation and change leads Alden directly into the domain of the living, which reveals itself to him as creative evolution (p. v).* In his own words, frequently repeated, life is genetic, creative, a becoming; not a conglomerate of individuals, but " transcending any individual embodiment " (p. 17), and he confirms Bergson's vision of Nature as a moving continuity:

" To all manifest existence we apply the term Nature (*natura*), which means *forever being born.*" (P. 17.)

The qualitative, immeasurable nature of Real Time appears the same to Alden as to Bergson. Alden, however, does not use the Bergson words, nor is his analysis so detailed. Real Time and Duration, which Bergson has made so essentially his own terms, Alden names simply Eternity, while Bergson's clock time is called by Alden, without qualification, time or duration. The inner meaning is the same, but in reading Alden the differences in verbal dress should be borne in mind. When Alden criticizes time it is always a broken, measurable duration he belittles, for, as he explains, this is time's etymological meaning:

" Time, etymologically, means something cut off, a section, a season (*tempestas*). . . . All these terms signifying confinement, definition, arrest, suspense, are expressions of finitude, of a world passed, as it were, from its genitive to its accusative case—to the field of objective reality, appearing in this view as measurable matter and motion, as broken in time and space into related parts and sections." (Pp. 79–80.)

What Bergson calls Duration and what Alden, with the same intuition calls Eternity is not thus measurable, though

" even the theologian thinks of eternity as duration, as quantitative rather than qualitative." (P. 74.)

* Alden used the word " transformation " instead of " evolution." Bergson explains that by evolution he himself means " an unceasing transformation " (*Creative Evolution*, pp. 230–1).

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Quantity ("the measure and proportion of elements and their relations in time and space mathematically expressed"), rather than quality, is a scientific apprehension, and the terms of science "give us no impression of a living world" (p. 74).

"How, for example, can one who insists upon everlasting uniformity, and, upon invariable laws, express truly the spiritual apprehension of Life as a transforming power?" (P. 75.)

Creativeness shows:

"A purposiveness spontaneous in its working, not according to plan as the result of choice (in our human sense of the term) but showing a plan not limited by alternative, but itself the ground of alternation." (P. 81.)

Could there be in a single sentence a better summary of that vital spontaneity which supplants mechanism and finalism in Bergson's intuition?

The transforming process, the vital evolution, is to Alden, as to Bergson, a continuous becoming:

"The Spirit of Life *becomes* the Universe, which is always and everywhere a fitness * as well as a becoming." (P. 136.)

And again:

"Reproduction, even by fission in the lowest organisms, is the becoming another." (P. 159.)

Note how, with Bergson's precise meaning, Alden uses *becoming* as the subject. The phraseology recalls Bergson's similar emphasis:

"If language were molded on reality, we should not say 'The child becomes the man,' but 'There is becoming from the child to the man.'" †

So wholly is Alden's intuition dominated by the complete continuity of becoming that he rejects a future life as an entrance into "another world." If it be "another world," he argues, it must be "a new becoming," which would be "an inconceivable diversity." Instead, therefore, of "another world" he calls it "the world to come," allying it in relationship of continuity with the present life, which, he explains, "has part in the eternal as truly as any life ever can have" (pp. 320-22). No pantheistic doctrine

* In the immediate context, Alden is discussing Life outside the human range, outside intellectuality, and by "fitness" he means "spontaneous co-ordination" (p. 135)—the Bergsonian "sympathy."

† *Creative Evolution*, p. 313.

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enters into Alden's intuition here. The entire emphasis is on the oneness of creativeness with eternity (Bergson's Real Time). Alden accuses pantheism of "abrogating the mystery of creation" (p. 83).

Science, says Alden, disregards the idea of becoming and deals with matter as structural formation or functional activity, so that to science "the creative life, thus veiled, must forever remain a mystery" (p. 113).

In his refusal to accept scientific evolutionism Alden uses words that Bergson might have written:

"Herbert Spencer . . . generally . . . ignores not only creation, but Life itself, and is confined to sequences so stated as to imply the evolution of every new form of existence from its antecedent. In reality, the term evolution is properly applicable only to the processes of expenditure, ignoring the original tension. It is as if we were to consider a watch wholly with reference to its function as a time-keeper—an office which it performs through the relaxation of the tension of its spring—giving no adequate consideration to the tension itself, because our attention is fixed upon the action of the escapement as more immediately associated with the use or function of the machine." (P. 110.)

The theory of adjustment to environment as a mechanical regulator is rejected for the Bergsonian sympathetic insight:

"The hunger which shaped the mouth informed it with a selective wisdom whereby it found its response in a world it had always known, being outwardly stimulated and helped by a world which had always known it." (P. 40.)

Alden sees as plainly as does Bergson that the doctrine of the survival of the fittest lays "undue stress upon the struggle for existence" (p. 111), for "we do not find that either safety or ease is an ultimate objective aim in Nature" (p. 112). "Man was not first an animal and afterward man" (p. 117), Alden, in company with Bergson, maintains, and for the reason that:

"Humanity is in its specialization inseparable from the specialization of Will and Reason. We here touch the pivotal point of a new world." (P. 119.)

The emphasis of this new world falls on the difference between the infallible instinct of animality and the fallible intelligence of humanity—fallible, but involving thereby choice (p. 127). Primitive man was at a disadvantage among the animals, says Alden, lacking "that infallible knowledge which belonged to their instinct" (p. 118), so that

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"a rational intelligence, such as distinguishes the man of to-day, transferred to that period, would have regarded the human species as ignominiously defective, and at a fatal disadvantage; . . . every conspicuous difference . . . would have seemed to emphasize his inferiority. To such an intelligence, the law of the survival of the fittest would have seemed to put the human weakling *hors de combat*. Thus impossible is it logically to anticipate the creative transformations of life!" (P. 118.)

In relationship to what Bergson calls supra-consciousness, or spirit, and Alden names God, the progress of life is not an evolution, says Alden, but an involution:

"The universe is not an unfolding of God, but a folding of Him away from Himself, until the manifold hiding is completed in the human consciousness, which is the ultimate fold of all. . . . With the growing complexity there is an increased uncertainty and indirection, until we reach the hesitancy and vacillation of rational volition." (Pp. 83–4.)

The meaning is the same as Bergson's differentiation between instinct and intelligence. Man, says Alden,

"surrendered instinct for errant and fallible reason, and safe simplicity for the innumerable perils of a haughty venture. But it was his destiny, and the very essence of it was its psychical character." (P. 121.)

There is no blindness like that of human consciousness, Alden declares,

"wherein knowledge becomes wholly relative, objective, partial, and limited to the visible course of things—to the closed circuits of physical and mental phenomena." (Pp. 126–27.)

In this human consciousness,

"nothing begins save by interruption or termination. Definition is by boundaries, by the lines of cleavage in the brokenness of things in time [Alden means clock time, not Duration] and space. . . . Whatever elements there may be in the universe . . . that are not thus discurrent, cannot enter into the discourse of our reason." (Pp. 125–26.)

"These illusions of the broken world to the broken mind are inevitable, are vital" (p. 162), says Alden, but, continuing still with Bergson, he warns that reason cannot explain life:

"All reasoning proceeds through analogy, but we must be on our guard against the fallacy involved in the process. The truth in physics or chemistry can become a biological truth only by such transformation as is involved in the inorganic world becoming the organic." (P. 326.)

Rationalism, says Alden,

"becomes entangled in the meshes of its own web, vainly attempting the solution of problems which are of its own making, since they arise only

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within the network of relation, association, and causation, whereby, as by the links of an endless chain, it is imprisoned." (P. 127.)

Human intellect, seen by Alden as a "revulsion from animal instinct," involves a sense of conflict with nature (p. 131) and compels the illusion of a broken world (pp. 161–2). Yet,

"the strangest feature of this illusion is that the confinement is known as liberation; and such it truly is—the planetary liberty of arbitrary selection, of choice." (P. 127.)

Just as in his vision of the broken world Alden walks the same road as Bergson, so do the two keep company in maintaining the vital unity. Alden sees that

"the harmony of the world, including humanity, consists through a relation which is complementary and not causal." (P. 196.)

And again:

"There is . . . no separation. The web of existence may have interstices; in time [Alden means time, etymologically, as broken] and space there are intervals between things. . . . In reality, all visible existence is to invisible Being as the stream to its fountain, so consubstantial therewith that it should be thought of as one with rather than as related thereto, than related even as to effect and cause." (Pp. 67–68.)

Even the Bergson vital impetus finds what appears to be a counterpart in Alden's intuition of Reality. He calls it "vital destination," though he does not mean to imply any limitation or boundary or any conscious aim, for he expressly disavows that form of teleology:

"But for the upholding and sure efficiency of vital destination, life would be at a loss at every critical turn." (P. 157.)

Read *élan* for *destination,* and the sentence is wholly Bergsonian, for Bergson, too, uses the vital impetus to explain how life progresses at critical turning-points as when shell armor was discarded for fleetness.*

One catches also a vague glimpse in Alden's book of the Bergson development of the idea of absolute motion. Alden finds in the first dreams "movement which was not locomotion" (p. 42); and of the action and reaction of life he explains, "We may think of these as internal motions" (p. 187). And again:

"To account for the communication of energy through cosmic space, the physicist postulates as a medium the invisible ether, the vortical

* *Creative Evolution,* pp. 130–31.

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motions of which have displaced what were formerly known as ultimate atoms. It is but a step from the ethereal vibration to the pulsation of the Eternal Life. We say pulsation, still clinging to an image, to the visible skirts of our expression of what is, in itself, ineffable." (Pp. 15–16.)

Similarly does Bergson travel from ethereal vortices to that ineffable pulsation which he calls real motion.*

Alden, as well as Bergson, emphasizes the fact that the inorganic world regarded as a whole is like an individual life. In a sentence graphically picturing the inorganic as one huge vital embodiment he says:

"The distinction . . . seems to be rather between the molecular and the molar than between the organic and inorganic synthesis." (P. 107.)

But the side of the inorganic presented to the living is the dying side, as Alden sees it, and he uses repeatedly the same terms as Bergson to express this idea, calling the movement of life an ascent and the movement of matter a descent. The descent is applicable not only to matter, but also to life itself, says Alden. When the structure becomes all-important, then life falls, for creativeness, renewal, will not be denied (p. 177). Bergson develops the same thought in his consideration of the two antagonistic movements of life, one carrying vitality forward to a new form, the other concentrated on the existing form.†

Alden makes this conflict between form and becoming the *motif* of his consideration of history:

"Systems, like generations, pass away, not because of their imperfections, but rather because they have reached such perfectness as their scope has permitted; not to give place to the better, but to the new. In this passing, that which seemed stable and inflexible becomes the flowing." (P. 176.)

There can be no science of history (p. 167), Alden insists, meaning there can be no vision of the road creativeness will take, based on what the past reveals. As history marks the flowing spontaneity of life, coupled with *débâcles* traceable to form supplanting the formative, so with religion. When religion becomes automatic, instead of remaining plastic, it is lifeless, and rite and dogma, passing into integral completeness, reveal themselves as unvital (p. 165).

* *Matter and Memory*, pp. 260, 265–66.
† *Creative Evolution*, pp. 128–29.

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The ancient Hebrews possessed the true religious instinct because:

"For the Hebrew there was no logical plan of any life. . . . To him, God was not the immutable." (P. 251.)

In his survey of history and religion Alden seems to point the way to a consistent extension of Bergsonism, and gives the answer to recent criticisms that the Bergson philosophy leads away from religion. Apart from his study of death and religion, the most important of Alden's contributions to Bergsonism probably is his analysis of primitive man. The first humanity, to Alden's vision, was in more sympathetic, intuitive harmony with nature than is modern man:

"The primitive man has not that facile handling of things which takes away their wonder, nor that ease of thought and speech which provides for him a fund of loose words and notions which he can toss to and fro, daringly and at random. . . . To him Nature lives in every fiber of her being, nothing is motionless or insensate; it is a flowing world." (P. 33.)

"The savage races of to-day are degenerate, and their inveterate simplicity . . . veils the native sense." (P. 32.) Not in them, but in the true undegenerate primitives:

"The native impression, on the visible side, regarded the universe as a living reality—the diversification of the divine life—and on the invisible or vanishing side felt the elastic tension and expansion of that life as a vaster reality." (P. 46.)

Primitive man's intuitional insight was due to the fact that in him there had not yet been developed those "facile mental processes which loosen the bond of the eternal familiarity" (p. 34). That is, rationality had not developed to the point of overwhelming intuition. And, furthermore:

"When appropriation was limited to living uses, the possession of things was not tenacious enough to imprison the soul in an artificial environment; and thus inward meanings were conserved in their newness." (P. 34.)

When the "habit of abstraction" commenced,

"outward ends began to obscure inward meanings; the primary became secondary; the eternal familiarity yielded more and more to the temporal. Man was fully awake, realizing his peculiar destiny as a progressive, conscious being. His philosophy, passing out of native impressionism, became

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through notional [Alden means conceptual] abstraction, the ground of the exact sciences." (P. 43.)

But "sympathy is man's native feeling" (p. 51), and when inward meanings had not yet been submerged by rationalizing processes, the first humanity

"found the way to unseen springs of power, ancestral and divine—a direct and sure way, familiar then, but afterward forgotten or obscured. The spells of sorcery and necromancy were the perversion of this living ritual by which man once courted and won the Invisible." (P. 40.)

For,

"totemism, fetichism, witchcraft, and sorcery are perfunctory relics of what was once a living correspondence." (P. 34.)

Though the primitive intuition has become more and more vague with the progress of rationality, yet man never has lost the fringe completely:

"In the background of all human thinking, however crude, has been this intuition: we know only that which, knowing, we do not know that we know." (Pp. 319–20.)

To enlarge the primitive intuition so that it is commensurate with the universe is the manner by which we shall come to know Reality (p. 54), insists Alden. He calls this the "mystical view," not implying a philosophy of mysticism, but meaning a philosophy which "transcends the visible in its intuition of creative life" (p. 256).

"Though the imagination engaged in this mystical apprehension borrows its symbols or analogues from observation and experience, yet these symbols are spiritually regarded by looking at life on its living side and abstracted as far as possible from outward embodiment." (P. 14.)

Not only is Alden thus allied with Bergson as an expounder of the intuitional method, but also does he emphasize the Bergsonian principle of apprehending inner reality through a study of outer manifestations:

"We especially affect physiological analogues because, being derived from our experience, we may the more readily have the inward regard of them; and by passing from one physiological analogue to another and from all these to those furnished by the processes of nature outside of our bodies, we come to an apprehension of the action and reaction proper to life itself, as an idea independent of all its physical representations." (P. 14.)

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Philosophy has to study the manifest as well as the hidden, for

"the true philosopher apprehends a reality beneath as well as in the form, the shaping power and wisdom transcending as well as immanent in the visible shapes of the world, and thus in every fresh scientific discovery he finds a new intimation of spiritual truth." (P. 75.)

And so, to the end, do Alden and Bergson march as pioneers, each independently of the other, blazing the same trail in the same direction of creative evolution. Here and there one cuts deeper than the other, but never does any destructive inconsistency appear in their dual efforts, the one being in complementary relation to the other. There has been no collusion, no comparison of results, no co-partnership of any kind in their investigations. Each has worked from beginning to end in the vital flux without knowing anything at all of the presence of the other. The conclusion, therefore, becomes inevitable that at least this one fact of the intuitional method is proven: *it works.*

J. W. T. Mason.

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WHAT IS LIFE ON MARS LIKE?

BY EDMUND FERRIER

That most Olympian of astronomers, Le Verrier, at a sitting of the French Academy of Sciences, once cast at his critics this scornful phrase: "Sit down, gentlemen. I will express myself in terms that can be understood even by botanists." And not once, but many times, has the modest science of plants and flowers with as much ease and self-confidence been relegated to the furthermost extreme from the giddy speculations as to the origin of worlds that astronomy deals in. But the discussion which is proceeding on the subject of the canals of Mars is calculated to humble the pride of the learned gentlemen who suppose themselves to have made a final conquest of the heavens. The appearance of Mars during the nights of December, 1911, when it burned so brightly in the sky, distinguishing itself clearly among the stars by its yellow color, and the eloquence with which the American astronomer, Professor Lowell, defends his theory as to the canals, have made the question of what is going on on the surface of that planet a subject of important controversy.

The history of the observations is a singular one. In 1877 the Italian astronomer, Schiaparelli, announced that he had discovered on the surface of the planet a network of dark, straight lines which bound together across the continents a number of seas and which could only be immense canals constructed by intelligent beings. Almost at the same time the astronomers Burton and Dreyer, without knowing anything of Schiaparelli's observations, reported a similar discovery. Such a coincidence left scarcely any doubt as to the reality of the facts. Schiaparelli pursued his observations with vigor; a number of astronomers — Christie, Proctor, Lowell, Douglas, Pickering, Flammarion, and others—set themselves to examine Mars continuously. Sec-

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tional maps of the surface of the planet were made. The number of canals discovered increased to four hundred and twenty. They were supposed to be seen filling in summer and emptying in winter. Some of them doubled, so as to form two canals parallel to each other. New canals formed; others disappeared temporarily or definitely. These changes of appearance seemed to be connected, at least in part, with the course of the seasons. It was supposed that a mysterious activity ceaselessly modified the surface of the planet and adapted it to the needs of living beings whose intelligence, if we were to judge by their works, must far surpass our own. The old hypothesis of a series of inhabited worlds took a new lease of life.

Professor Lowell has given this view in its latest form. The planet Mars, like the earth, has its two poles covered with ice-caps. It has also continents and seas. The continents are covered with a vegetation which develops during the summer, continually changing their aspect, and sleeps, like our own, during the winter. The canals, according to this theory, have been constructed by giant engineers, with the help of marvelous machines, whose shape we cannot suspect, the water being distributed equably through the cultivable land as on a microscopic scale is done in Egypt. But the water captured by the Martians is drawn from inexhaustible fields of winter snow and polar ice. Led by the canals from the poles toward the equator, it creates throughout its course a rich vegetation. Along its passage leafy forests and flowery prairies spring up; and it is not the canals themselves, but this luxurious vegetation, which appears in the telescope. Where the canals cross oases are formed; these oases, which perhaps include enormous cities, persist when the canals themselves have temporarily disappeared. All the centers of vegetation are bound together in the summertime by canals. No less than 172 of them have been counted. The regions thus fertilized by the water vary in area from 35 to 200 square miles. In the spring they are clad with the brilliant green color of the young shoots of our own plants (W. H. Pickering); the green gradually fades and takes a blue shade toward the summer solstice (Lowell); it passes finally, at the end of the summer, to a gray monotone (W. H. Pickering). Is not this exactly the image of the changes which our earth must present to the observers, if there are any, who live on the planet

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Mars? Here the proud astronomer and the humble botanist work together to enchant our imagination.

Unfortunately, however, there are reasons for doubting the substantiality of this brilliant edifice of the scientific imagination. It is easy to calculate the minimum extent that a canal must present in order to be visible to measure its length and thus to have the necessary elements for estimating its surface. Bringing together the results thus obtained, we find that the total surface of the canals represented on the maps of Mars would be larger than that of the planet itself. This is a result sufficiently startling to give us pause; it suggests that the figures designed under the name of canals refer in reality to discontinuous objects which appear to us mixed together only by reason of the inadequate power of our telescopes. In fact, the use of powerful instruments makes all geometrical regularity of the canals disappear. Using the equatorial of twenty-four centimeters and the telescope of Om. 216 of the Flammarion Observatory at Juvisy, M. Antoniadi, Director of the Mars section of the British Astronomical Association, saw the supposed canals spread, scallop, and pink along their borders and break up into all sorts of segments; while two Italian astronomers, Cerulli and Sola, declare that Professor Lowell's canals are, as the English astronomer, E. W. Maunder, had written in 1894, nothing but series of lakes with no regularity in their arrangement. As M. Charles André had put it, they are " instrumental canals " created not by supernatural engineers, but by our telescopes, our imperfect eyesight, and also our imagination.

Most scientific men deny that they allow any interference of imagination in their scientific work. How, then, could so many practised astronomers have allowed themselves to be deceived by appearances? Some curious experiences have here thrown into relief a singular side of our psychology. We bear continuity and disorder only with difficulty. When numerous and similar objects present themselves to our eyes we involuntarily seek to connect them by some regular arrangement. Let your eyes wander over the patterns or the flowers of your wall-paper; the same designs, according to your disposition at the moment, will appear to you grouped in horizontal or vertical or oblique lines which will appear to run parallel or to cross in diverse fashions. Some parts, at least, of the canals of Mars have been created by such

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a mental operation as this. Maunder and Evans made an experimental proof of the fact. They set some children to draw irregular figures, roughly recalling the spots that one can see on Mars; and some of the young draughtsmen, who knew nothing of the purpose of the experiment, reproduced with astonishing fidelity the most characteristic parts of the geometrical designs of Schiaparelli. Is it not, by the way, this tendency of our mind to arrange everything that the impressionists count upon to complete the hints thrown out in their imperfect paintings?

Does all this mean that there are no inhabitants in the planet Mars? No. Mars is certainly inhabited. The collapse of the fairy world constructed by bold imaginations on the base of the canals of Schiaparelli disposes only of the wonderful engineers of whom Mr. H. G. Wells has given us, in his *War of the Worlds,* such a fantastic and captivating description.

The planet Mars has, in fact, passed through the same phases of evolution as the earth and is still a good deal like it. It is enveloped in an atmosphere similar to ours, but a little less dense and richer in oxygen. Clouds float in this atmosphere, hiding from us details of the surface of the planet. Ice and snow accumulate during winter at the two poles and melt irregularly in the summer, marking by their persistence at certain points regions of high altitude and great mountain masses which rise, as on our earth, at the southern pole. The quantity of ice melted during the summer seems to indicate an average temperature like our own. As with us, clouds formed over the seas break in rains which give birth to fresh-water lakes and to rivers by which the water that evaporation has robbed it of returns to the sea. The density of the planet, which is very little lower than our earth, indicates an almost identical chemical constitution. The conditions which determine the appearance of life on the earth are therefore found on Mars, where they have necessarily produced the same effects.

Living beings of very simple structure, which appeared first and from which all the others are descended, have presented the same characteristics, habits, and aptitudes as on our earth. But the evolution of life on the earth did not take place by accident; the world is regulated by eternal laws which contain in themselves its future, as they have dominated its past. Living beings do not escape from these laws.

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Their varied forms are not the effects of accidents; we know that they could not be other than they are, that all that was possible has been realized; we know how the vegetables and animals have been built up; we know the ineluctable causes which have determined the formation of the grand types among which they are divided. These causes have operated on Mars as on the earth. There are algæ and mushrooms, as with us; grasses and trees, flowers, colored and scented, like ours and of like forms. Coral reefs border the continents, whose shores are peopled with worms, starfish, and shellfish; reptiles prowl over the continents; birds pursue butterflies through the air; and mammals people forests and fields. But all these creatures differ from ours in details which may be, to a certain extent, defined.

Mars is more distant than we are from the sun—150 million miles on the average, instead of 100 millions. It is, therefore, a little colder; the more so as its central heat is less, because the diameter of the planet is only 4,500 miles instead of 8,500. Martian days have almost the same duration as ours; but the axis of the planet being more inclined on the plane of the orbit by about four degrees, the polar regions where the sun remains more than one day on or below the horizon are more extended, as is also the torrid zone. The inequality of days and nights at the same latitude is greater on Mars than on the earth; at the latitude of forty-five degrees our shortest day is 8 hours 43 minutes, and the longest 15 hours 38 minutes; these are on Mars, respectively, 7 hours 56 minutes and 17 hours 58 minutes long. The duration of the year is almost double — $668^1/_3$ days instead of $365^1/_4$. The orbit of the planet is an elongated ellipse instead of being almost a circle like ours. There is, therefore, more difference between the seasons both in respect of duration and of temperature; and the northern hemisphere, favored by a long summer, is warmer than the southern hemisphere.

On the planet Mars, therefore, there are extreme variations of climate and temperature. Protected by the slowness of the variations of temperature of water, marine animals, fish especially, differ, doubtless, very little from ours; but it is quite otherwise with aerial animals. Those with constant internal temperature have been infinitely more favored on the earth. They must have appeared sooner and have more quickly crushed the great reptiles, which have

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long been extinct. On the contrary, the plumage of birds and the skin of mammals, which protect these animals against the extreme variations of temperature, must have developed in a luxurious manner, both attaining a splendid variety, changing and being modified profoundly every year with the seasons.

The variations of winter and summer temperature have made even more complete than among ourselves the hibernal disappearance of insects with all its consequences: the sudden metamorphoses of larvæ, the substitution of intelligence for instinct. But the long duration of spring and summer—above all, in the northern hemisphere—has permitted larvæ to attain a more considerable size. The insects of Mars are, therefore, larger and more beautiful than ours. These delicate animals, however, had one means of escaping the rigor of winter—that which ants, bees, wasps have employed, of building habitations where they can live in elaborate societies and accumulate provisions. The long duration of the seasons must have singularly facilitated this work. Mars is, therefore, doubtless more than Hymettus ever was, a land of honey. Probably this world of social insects would provide immense surprises to an earthly entomologist if such an event as that which Mr. Wells has narrated could really occur.

The force of gravitation on Mars is distinctly less intense than on the earth. It has played on our planet a very great part in the evolution of living forms. It has created the dorsal hump in the shell of molluscs, which troubles them so much that they have had to twist it into a screw in order to attenuate it as much as possible; it has also weighed the reptiles down between their limbs and made necessary a powerful muscularity, in order to prevent the different parts of the body from bending one upon the other. Probably, therefore, the moths of Mars are less flat and more agile, the shellfish less twisted, the mammals infinitely more lithe and graceful than ours. A greater number of them have, like our bats, had to dispute with the birds the domain of the air and to prey upon a whole world of magnificent insects. The atmosphere of Mars is the real theater of the struggle for life. Its richness in oxygen permitting a much greater activity of organic combustion, all living beings must be, despite the smaller power of the solar rays, singularly restless; the more so as sunset leads necessarily to atmos-

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pheric calm, and consequently to a complete repose. The nights of Mars are, in fact, profoundly dark. Two little stars, Phobos and Deimos, turn around it more quickly than it turns on itself, and pass rapidly across the sky without giving any light. No moonlight, no tides, no lunar month, a complete suppression of that weekly rhythm which on the earth seems to effect so many biological phenomena, and especially the phenomena of reproduction.

It seems impossible that in such a bustling world intelligence has not progressed as among us. If we recall that the terrestrial animals, whose brains are more frequently moved by the repeated excitations caused by the friction or shocks their bodies experience from the surface of the globe, are those in which intelligence has the greatest chance of developing, it is likely that on Mars, as on the earth, the highest organic forms must be beings like our human species. It is improbable that they have acquired wings, for by that they would have had to lose their hands, which are essential organs of control, without which no certain knowledge could have been furnished to them by the other organs of sense.

All this is, perhaps, only a dream, but one cannot reproach biology for trying to complete the evidence of astronomy through reasoning based, like its own, on the constancy of natural laws.

EDMUND FERRIER.

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EUROPE AND THE WAR

BY SYDNEY BROOKS

It is entirely fitting that London, and no other capital, should be the scene of the Balkan Peace Conference. Of all the Great Powers England is the one most clearly and honorably associated with the cause of Balkan freedom. No one, indeed, can be said to have quite taken the measure of Great Britain's influence and position in the world who does not realize that in southeastern Europe, as in Poland, as also in Italy, she has long been regarded as in a special sense the protector and liberator of the smaller nationalities. It was Gladstone who first put forward the formula of "the Balkans for the Balkan people"; who first proclaimed the hopelessness of Turkish regeneration from within; who first insisted that the Turks could only "carry away their abuses by carrying off themselves"; and who by the inspiration of his eloquence was mainly instrumental in freeing Roumania, Bulgaria, Servia, and Montenegro from the Ottoman yoke. The event has marvelously vindicated his faith that a policy "inspired by the love of freedom" is for Great Britain and for the world at large the only right policy, and in the end the only winning policy; the confederation of autonomous Christian States for which he labored is now all but a reality; he has been abundantly justified in his prediction that the southward march of Austria and Russia would be checked when despotism met "the barrier raised by the breasts of free men"; and nobody doubts that, had his policy been adopted in its entirety, forty years of crushing and shameful misery would have been spared to Macedonia and Armenia. Little wonder that the country whose conscience he so magnificently voiced has been revered by the Balkan peoples as the chief agent of their emancipation.

Yet it would be futile to pretend that the Gladstonian policy has always been the policy of Great Britain. Beacons-

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field's ideas ran notoriously on quite opposite lines. In his eyes the decisive element in the problem of the Near East was the necessity of preserving Turkey as a make-weight against Russia and of saving Constantinople from the grip of the great northern Power. Between these two poles British policy has oscillated during the past four decades. Whenever a fresh massacre or a fresh rebellion has stirred up again the question of the Near East, Great Britain, in the rôle of a sympathetic and disinterested friend, anxious to buttress Turkish rule on the only safe foundation—the contentment and prosperity of the ruled, neither desiring the disruption of the Ottoman Empire nor exacting a price for postponing it, has pressed for reforms with more sense, pertinacity, and loyalty than any other Power. But in doing so she has always made it perfectly clear that she did not contemplate and would not be driven into single-handed action. She accepted the Concert of Europe not as the best, but as the only practicable instrument for bettering the conditions of Turkish government, and she clung to it, and was by far its most active and sincere member, because the alternatives were either complete passivity or armed and unsupported intervention with its inevitable sequel of a European war. I do not know what other course was open to her. British statesmen of all parties, after Gladstone's death, came to a general acceptance of the proposition that the liberation of Armenia and Macedonia was not to be sought by the isolated force of British arms. But that did not prevent them from urging incessantly upon the Yildiz Kiosk the need of reforms. There were times when Great Britain seemed bent on placing the interests of the Christian subjects of the Turk above the interests of the entire British Empire. She appeared to forget that the Sultan was not merely the temporal ruler of the Ottoman Empire, but the spiritual head of the world of Islam; that his influence as Commander of the Faithful, as Khalif, as the guardian of Mecca and Medina, immeasurably transcended his influence as Sultan; that there are in the British Empire more than eighty million Muhammadans; that the security of the British *raj* in India—to take but one example—depends as much as anything else on the loyalty of the Muhammadan subjects; and that the impassioned abuse showered upon the Sultan by British statesmen and writers, who developed the absurd habit of holding him personally responsible for the misgovernment of his

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realm, and who made it almost a form of moral turpitude to say a good word for the Turk, alienated the sympathy of his co-religionists throughout the world. It must also be borne in mind that Constantinople, beyond any other capital in the world, is the meeting-place of diplomatic threads innumerable, and that indifference to the problems that focus on and radiate from Stamboul is and must be, on Great Britain's part, an impossibility. So long as Great Britain holds Egypt, is concerned in Asia Minor, dominates the Persian Gulf, and remains in India, and so long as the break-up of the Ottoman Empire threatens to upset the balance of power in the Ægean, the Adriatic, and the Mediterranean, so long is it beyond the power of Downing Street to wash its hands of the Near East.

It was, therefore, in the face of an obvious self-interest that Great Britain took the lead in protesting against the abominations of Turkish misrule and in pressing for its reform. She paid for her insistence in a loss of authority and prestige and of commercial and political influence. The Sultan was estranged and turned to Germany; and British power in Constantinople, where it had once been dominant, sank to almost nothing. Yet neither the British people nor successive British Governments ever abandoned the cause of Balkan freedom. Nearly everything that was done to improve the state of Macedonia through the Concert of Europe was done on the prompting of Great Britain and in spite of the continuous opposition of the other Powers. Her fidelity and persistence seemed to meet with their just reward when the Young Turks arose and a Constitution was wrested from the Sultan, and for a brief moment it looked as though an era of liberty and reconciliation had actually dawned. That British opinion, both popular and official, entirely mistook the character and aims of the Young Turk movement would, I suppose, to-day be disputed by no one. With the utmost friendliness and good-will it soon became impossible not to perceive that the Young Turks were simply the old Sultan in policy and action whatever they might be in speech. Six months ago nothing in the Near-Eastern situation was clear, except that the Turk was as unregenerate as ever, that Macedonia was once more weltering in a chaos of racial and religious frenzy, and that an explosion of some sort was being rapidly precipitated. But I doubt whether there were a dozen people in Great Britain who foresaw the form the

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upheaval would assume or who dreamed for a moment that the Balkan States would lay aside their inveterate feuds, form a league of vengeance, and hurl themselves upon the common oppressor of them all. Nowhere has admiration for their valor or sympathy with their cause been keener than throughout the British Isles. The Prime Minister took the earliest possible opportunity of stating the attitude of the Government, of deprecating the discussion of isolated questions that could only be satisfactorily disposed of as part of a general settlement, of insisting on the necessity of a European Conference to wind up the war, of assuring the Balkan Allies that they would not be robbed of the legitimate fruits of their victories, and of announcing Great Britain's desire to co-operate with every effort to prevent the struggle in the Peninsula from broadening out into a European conflict. Sir Edward Grey gave practical and opportune shape to these aims by proposing, and inducing the Powers to accept, a Conference of Ambassadors for the purpose of expediting an exchange of opinions and keeping the interested parties in close touch with one another. His whole handling of the crisis, indeed, has shown a marked improvement on the rather maladroit diplomacy of Downing Street during the anxious weeks that followed Austria-Hungary's annexation of Bosnia and Herzegovina four years ago. It has been firm, persuasive, and intelligent, and the British people have responded to it. Few events of our time have more fired them than the spectacle of the Balkan peoples risking their all on a single throw, taking their destinies out of the hands of a supine and fearful Europe, and boldly acting on the energizing truth of the Wordsworthian moral:

> "That in ourselves our safety must be sought;
> That by our own right hands it must be wrought,
> That we must stand unpropped, or be laid low."

Such a development had never entered into the serious calculations of Europe. Yet now that it has come there is a feeling of thankfulness from Rome to St. Petersburg. Even among those Powers that see in the triumph of the Balkan League the death or indefinite postponement of some cherished ambitions, there is a sentiment of relief that the long tale of Turkish misgovernment should at last be nearing its end. No statesman would to-day dream of proposing that Macedonia should be thrust back under Ottoman rule.

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"Peace with honor" was what Beaconsfield claimed to have brought with him from the Berlin Congress. But we can all see now that it was not a real peace and that the "honor" accompanying it was rooted in dishonor. The same error is not likely to be repeated again. The "bag and baggage" policy is one that in its essence all the Powers subscribe to to-day. Every one agrees that there can be no hope of contentment in the Balkans so long as the Turks are allowed to lord it over Christian communities; and whatever terms of peace the Balkan Allies are able to arrange with the Turks, so far as Thrace and Macedonia are concerned, the Powers as a whole stand ready to ratify. That marks an enormous advance toward a final solution of the Near-Eastern problem. The position has been reached where Bulgaria, Servia, Greece, and Montenegro are free to settle among themselves the disposition of the territories they have conquered. To that statement there are some exceptions to be made, and with these I shall deal later on. But, broadly speaking, it represents the facts of one of the speediest and most bewildering transformations ever witnessed in history. That Turkish authority must be circumscribed to the corner round Constantinople is something that no one affects to dispute. There is not a single Power that harbors the intention of challenging or reversing that outstanding result of the war, or that dreams of attempting to prop up the *status quo ante*. It has gone irrevocably to pieces and every Foreign Office in Europe is accommodating itself with such speed as it can compass to that central fact. Yet a bare two years ago we were all discussing the Turco-Roumanian Convention as a turning-point in Balkan history. It was understood that the statesmen of Bucharest had agreed, in the event of a conflict between Bulgaria and Turkey, to mobilize their full military strength along the Bulgarian frontier. We were speculating on all that so complete a departure from the cautious and independent policy of Roumania might signify. We were clear that it was a move engineered by the Wilhelmstrasse and the Ballplatz; that it practically eliminated Bulgaria from the list of Turkish anxieties; that it was a warning to Greece and an immense accession of strength to the Triple Alliance. That was in October, 1910. To-day all that the serious diplomats of Europe are concerning themselves with is the compensation Roumania is to receive for her neutrality during the war;

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and even that is a question that Bucharest and Sofia will settle between themselves. Nothing could show more clearly the lightning-like revolution that has overtaken all south-eastern politics. From a great part of one of its historic playgrounds or battle-fields—it is difficult to say in which light it should be regarded—European diplomacy has been virtually excluded, or has been reduced to the rôle of countersigning the arrangements arrived at by the petty States whom heretofore it has treated merely as pawns in the rivalries of the Great Powers. The rectification of the Roumanian-Bulgarian frontier; the destiny of the Sanjah of Novi-Bazar; the fate of Salonica; the precise form in which the Balkan Allies are to distribute among themselves the spoils of war—these are matters that have practically been taken out of the hands of Europe and will be dealt with and settled by the victorious combatants on the spot.

One may, therefore, take it for granted that within certain limitations a greater Bulgaria, a greater Servia, a greater Montenegro, and a greater Greece will shortly figure on the map of Europe. If they were to form a Confederation, united by political, military, and, above all, by economic bonds, their strength would be invulnerable and it would only be a question of time before Constantinople became their capital. But that is too much to hope for. Unity for purposes of attack upon a common enemy is far easier to achieve than unity for purposes of administration and defense when that enemy has been disposed of. Already there are signs of disintegration within the Balkan League. The best observers do not expect it to survive for another year. There are those who prophesy that it will soon be replaced by a Turco-Roumanian-Bulgarian Alliance. There are those, too, who foresee the resurgence of the old antagonisms that have been damped down by the war and the ultimate and by no means peaceful rise of Bulgaria to a position of ascendency throughout the entire Peninsula. It is useless, however, to dwell on the multitudinous contingencies that may arise when the present confusion has been straightened out. What is enough, and more than enough, for the day is that the Near-Eastern question has been dramatically reopened and that problems of indubitable peril to the peace of Europe, and of an extraordinary complexity in themselves, have to be faced. One problem, and by far the most anxious of them all, the world is to be spared; there is not going to

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be any conflict, or rather any immediate conflict, for the possession of Constantinople. When it looked for a while as though nothing could stop the victorious rush of the Bulgarians and as though the Turks were to be driven not merely out of Macedonia, but out of Europe altogether, a shiver passed through the Powers lest to all their other distractions there should be added the supreme burden of determining the fate of Stamboul. That danger has passed. The Turks will remain in the home of the eastern Cæsars until such time as the Bulgarians are in a position to take it from them. To secure possession of the city of Constantine has, of course, been the dream of Russia for two centuries and more. It is not to the interest of Europe as a whole, or of any country in Europe, that that dream should be realized. Twenty years ago a distinguished English publicist wrote: "The geographical conditions of Constantinople are so extraordinary; they offer such boundless opportunities to a first-class military and naval power; they lie so curiously ready to promote the ambition of Russia, that the advance of the Tsar to the capital of the Sultan would produce a change in Europe greater than any witnessed in the nineteenth century. The absolute monarch of a hundred millions, with an army of two and a half millions, possessing sole command of the Black Sea, Bosphorus, Marmora, and Hellespont, together with the incomparable naval basis which is afforded by this chain of four inland seas, would unquestionably be supreme master of the whole of Eastern Europe, which would then extend under one scepter from the Arctic Ocean to the Greek Archipelago." Much has changed since these words were written, but the prodigious upheaval in the politics of all Europe that would follow on a Russian occupation of Constantinople, involving free access to the Mediterranean, remains as it was. Russia undoubtedly is entitled to an outlet on the warm waters, and the prohibition on the passage of war-ships through the Bosphorus ought to be, and probably will be, removed. But the objections to allowing any one of the Great Powers, but Russia in particular, to hold Constantinople are still as overwhelmingly strong as ever; and it is with a sense of the most heartfelt relief that Europe contemplates the continued retention of the city by the Turks.

Even, however, with that crucial issue out of the way or in abeyance there remain other questions stirred up by the war

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in the Balkans that are fully capable of dividing the Powers; and it is well worth noting, as an illustration of the importance of sea-power, that all these questions have to do with the control of ports and coast-lines. It is only when the territorial readjustments that must be provided for on the terms of peace affect the Ægean and the Adriatic that the Powers find themselves vitally concerned. The partition of the inland parts of the Ottoman Empire in Europe is, as I have said, a matter which they are prepared to leave to the Balkan Allies to settle virtually as they please. Austria-Hungary has long been accused of a desire, and even of definite plans, to get down to Salonica. Yet Austria-Hungary has watched the developments of the past two months with admirable restraint, disavows all ideas of seeking territorial compensation, and is willing to see Novi-Bazar, which she voluntarily evacuated only four years ago, become a Servian or a joint Servian and Montenegrin possession. Of all the Great Powers she is the one most directly and intimately affected by the results of the struggle. She borders on the Balkans, for one thing, and for another, the majority of her peoples are Slavs, and bound, therefore, to be reacted upon by the successes of their racial kinsmen in the South. Every accession to Slav power and influence to that extent prejudices the position of the German and Magyar elements in Austria and in Hungary and makes it more probable that the whole realm of the Hapsburgs will gradually lose its Teutonic complexion and assume a preponderantly Slav hue. I do not myself believe that the statesmen of Vienna ever seriously meditated the desperate venture of expanding toward Salonica. But they would be more than human if they viewed the prospect of a formidable Slav confederation in their immediate neighborhood with emotions wholly free from chagrin. Yet they have displayed not the slightest disposition to begrudge the Balkan Allies their victories or to challenge or reverse accomplished facts; and the moderation of their attitude is the best guarantee that the area of conflict will not be allowed to spread. All that they ask of the future owners and rulers of Salonica, whether Greece or Servia or Bulgaria, is that Austro-Hungarian trade shall not be discriminated against either in transit to and from the Ægean or at the local customs. So long as that condition is fulfilled they are apparently indifferent as to whose flag actually floats over the city, or whether it becomes a free

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municipality under international protection. One may, therefore, assert with some confidence that the problem of Salonica is unlikely to cause any serious trouble—less trouble, indeed, than the ultimate disposition of several of the neighboring islands captured by the Greeks. Austria-Hungary, again, is on terms of close friendship with Roumania and is naturally inclined to espouse her interests. But here, too, she has virtually announced that whatever compensation for Roumanian neutrality can be agreed upon between Bucharest and Sofia will be acceptable to Sofia. Austria-Hungary, in short, realizing that the enlarged Balkan States will continue to be her neighbors and that she stands to profit by the prosperity that the future holds in store for them, has shown an extremely reasonable and reconciling spirit in adapting herself to changes which she can hardly have welcomed.

There is, however, one quarter in which her diplomacy is decidedly more stiff-necked. The Servians contend that their victories and sacrifices will have gone for very little unless they are allowed a port on the Adriatic under their own control. At present their exports must either pass through Austria-Hungary or stand the delays and expense of the journey to Salonica or through the Black Sea. Practically their only market is their wealthy and powerful neighbor to the north, and whenever Vienna has been dissatisfied with their political conduct, she has been able to put an intolerable pressure upon the smaller kingdom by closing the frontier customs-houses to Servian goods and produce. Servia is thus in a state of constant economic subjection to Austria-Hungary, and all her efforts to escape from this thraldom and to build up an uninterrupted trade with Western Europe have been practically, though not absolutely, futile. Give her, however, a port on the Adriatic with railway communications, and she becomes a free State and in a position to regulate her own commercial future. Without that indispensable equipment, she must remain as she is now, the economic slave of Austria-Hungary. Moreover, she is not asking for anything she has not fairly won by the sword. Her troops are at this moment in possession of Durazzo on the Adriatic coast. What she demands is that they should remain there and that some fifty kilometers of the littoral of the north should come into Servian hands together with a spacious hinterland. To this demand both

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Austria-Hungary and Italy return an absolute *non possumus*. Durazzo, they point out, is not situated in a no-man's land. It lies, on the contrary, near the heart of Albania and opposite Brindisi; and what Servia asks is, in effect, that she shall be permitted to partition Albania and to establish a naval base on the Austro-Hungarian flank and directly menacing the shores of Italy. Between Rome and Vienna there has long been a hidden but none the less strenuous rivalry for predominance in Albania. Neither will allow the other to take possession of it; both are united against the entrance of any third party, and especially when the third party is a Slav State and well within the orbit of Russian influence. Each fears or professes to fear—for it seems a far-fetched apprehension—that a Servian portion of the Adriatic would be at the disposal of Russia and that the whole balance of naval power in Europe would thus be upset. They are on stronger, or at any rate more plausible, ground when they insist that a Servian occupation of the central regions of Albania directly contravenes the principle of "the Balkans for the Balkan peoples." Vienna has not abstained from hindering the Servians in breaking away from Turkish misgovernment merely to see them fasten their rule upon the Albanians. If Servia is to be free and independent, why not Albania also? What claim can the Servians put forward to be rid of the Turkish yoke that cannot also be preferred by the Albanians? The Albanians, remember, are neither of Slav nor Ottoman stock. They are the most primitive and the wildest people in Europe, keenly intelligent, with a rigid if peculiar code of honor, immemorially divided by bloody antagonisms of clan and creed, never yet conquered, without roads, railways, letters, or any effective government, fiercely resentful of external control, with a pride in never paying taxes, a people that have never been taken and have never taken themselves in hand, but at the same time a people that have shown by the thousands of able and trusted administrators they have contributed to Turkish officialdom that they have it in them to form a self-governing State. For the Servians to attempt to impose themselves on such a people means racial anarchy and prolonged warfare. The true solution is Albania for the Albanians.

Such, in part, is the response both of Vienna and Rome to the Servian contention. It may be, as the Servians aver, a

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response dictated by a shrewd belief that the experiment of an autonomous Albania would be bound to collapse and that opportunities might thus present themselves for either Austria-Hungary or Italy or for both Powers together to seize on the very territories they now insist on keeping out of Servian hands. But whatever the motives behind the attitude of the two Powers, it is, I believe, final and will not be modified. Austria-Hungary, in fact, is prepared, if necessary, to assert her interests in the matter by force of arms. She does not expect to keep the whole of Albania intact. She raises no objections to an extension of the Montenegrin boundaries in the North, or to Greece being rewarded with considerable parts of Greek-speaking Epirus in the South. But she will not tolerate the partition of Albania proper or the appearance of Servia on the Adriatic. The statesmen of Vienna disclaim with vehemence any intention of keeping Servia in a state of economic thraldom. They point out that the enlarged Servia will, for one thing, be much nearer to Salonica than it is at present; that the Allies may form a customs union which would furnish Servia with the additional markets she desires; that no protest would be raised if she were to build a railroad to connect with the Montenegrin port of Antivari on the Adriatic; that means could be found of meeting Servian needs either by a fiscal convention between Vienna and Belgrade or by direct railway communication between the Servian capital and the Dalmatian coast. In short they insist that a port on the Adriatic is not necessary to Servia's economic emancipation. The Servians, however, still profess to regard it as vital, and a strong body of popular opinion in Russia has been aroused in support of their claims. The Russian Government, however, though humanly ready to pay off some old scores with Austria-Hungary and though conscious that its title to the guardianship of the smaller Slav States will be well-nigh gone forever if it fails again, as it failed in 1909, to uphold Servia against "Teuton oppression," has so far taken no extreme step. Both Powers, nevertheless, have mobilized; Germany has frankly stated her intention of standing by her ally, if she is attacked; and the situation, while not yet acute, is still strained and at the mercy of a chance incident. If the Slav sentiment among the Russian masses were to be inflamed, the worst would have to be feared and prepared for—the Balkans being perhaps the only quarter of the world

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where Russian popular opinion really influences Russian policy.

But on the whole the chances favor peace. The common sentiment of Europe recoils in horror from the idea of a war waged over such a trumpery pretext as Servia's outlet to the sea, even though the pretext be draped with much knowing rhetoric about the irrepressible and inevitable conflict between the Teuton and the Slav. Germany, for her part, has striven ably and sincerely for a compromise and, to the satisfaction of all sensible people in both countries, has found herself working hand in hand with Great Britain. France has been equally active in searching for a formula of reconciliation. Nobody, it may truly be said, wants war—least of all the Balkan Allies, who could hardly hope to retain a tithe of what they have so lately won. Everybody, moreover, realizes that if war were to come it could not be isolated or restrained until every leading Power in Europe had bled itself white. France would be forced to go to the support of Russia, and Germany to that of Austria; and Great Britain would find herself frantically debating her proper course of action. That is a prospect so abhorrent to the average man that one cannot think it will come to pass or that diplomacy, which so far has met the crisis with flexibility, good sense, and an unusual power of adaptation, will fail ignobly at the last fence.

SYDNEY BROOKS.

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"THE SONS OF THE EAGLE"

BY STEPHEN BONSAL

THE Dalmation and Albanian coast—indeed, the whole eastern shore of the Adriatic—is a wonderful place for the philosophic student of history, by a close scrutiny of the ruins of the past, to seek to divine the course of the future. On the lonely beach at Spalato crumbles the imperial palace of Diocletian, at once the most picturesque and useful ruin in the world. For the imperial hall that still survives from the spacious days has been converted into crowded tenements that house two or three thousand families, apparently always on the verge of starvation. Here in this place which the great emperor, an Albanian himself, the Albanians say, sought to make the center of the empire which was to be only confined by the limits of the Roman world, the only dignified survivors to-day are a peculiar class of beggars who put on shocking frock coats before going to meet the incoming steamers with their burden of purse-proud tourists. The ruined capital of this dead world still enjoys a situation of incomparable beauty. Before it sits Italy, emerging Venus-like out of the sea, and behind it stands the open gate of the East, giving access to those to-day chaotic countries which once formed the Greek world. Seated upon this coign of vantage the Roman Emperor had surveyed new channels of commerce and designed new marts of trade just as we are marking out and planning to-day a new South America and a new road to the Far East. In booming Spalato Diocletian was presiding over an ancient Panama.

After his little span of life and the short day of the Roman Emperor's power was ended, the Adriatic almost suddenly lost its splendor and the aspect of things once so promising turned adversely. There were many contributing causes;

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the greatest was, perhaps, not the antagonism between the Crescent and the Cross, but the schism between the Church of the East and the Church of the West, which raised a barrier against commerce and communication, against the spread of civilization and the arts, higher even and harder to surmount than were the purple mountains beyond the sandy shore. Even to-day in this awakening era, with all its quickening impulses, this coast lies there stark and still like a beautiful corpse wrapped in the tattered shroud of its past glories. To-day Avlona, Durazzo, the little forgotten havens that go back to the golden days, are silting up. There is no commerce to speak of and uncommonly few ships enter the deserted and unlighted harbors. The back country is without roads and its inhabitants lead a miserable starvation existence. They have not the slightest idea of law and order or that Roman peace which they once enjoyed.

To-day San Giovanni di Medua, where the proposed railway from the Danube should reach the sea, that railway which the Austrians have naturally so much at heart, is but a swampy and somewhat pestilential bay. The entrance to the Bagona River is growing narrower and shallower every day, and only the lightest-draught vessels can reach Scutari Lake. Indeed, but for Trieste, for Fiume, and Venice, the Adriatic would be a dead sea. Man gone back to a primitive state, almost relapsed into barbarism, is the greatest of obstacles between the Adriatic and Macedonia and the rich markets beyond. In these districts which were once the center of civilization commerce has retrograded to the barter stage, and the channels of communication and the methods of exchange are of such a primitive kind that the Baggarah Arabs whom Stanley found at work in the heart of Africa when he first reached there would have spurned them.

It cannot be denied that a great majority of the envoys assembled at the Congress of Berlin viewed the Balkan situation seated Jove-like upon the Olympian clouds. Naturally, they indulged in many vagaries, and in taking away from the Bulgarians and the Macedonian Slavs the lands which they had helped to conquer and giving to the Montenegrins the lands which they had failed to secure by force of arms, they with careful carelessness stored the combustibles which are in conflagration to-day. The Albanians, natural-

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ly enough, resisted these encroachments upon the territory that they had defended for two thousand years, at least, and they were the very first to reverse the decree of that august assembly. After thousands of lives had been wasted, Europe receded from the position it had taken in ignorance, and to-day Gusinje and the other coveted and disputed districts which were retroceded to Albania, nominally to Turkey, are wet with the blood of the stubborn mountain men. It is not only outside of Constantinople that the history of 1878 is repeating itself in this year of grace. By the lake of Scutari to-day the Montenegrins are trying to take by conquest, up to the present with uncommon little success, the lands which all Europe in solemn conclave assembled gave them as a free gift thirty-four years ago. In other words, the Conference in London, beset by many pitfalls of recent construction, will also have to avoid those traps by which the plenipotentiaries at Berlin in the last generation were ensnared.

The Albanians helped to overthrow the Slav Empire at Kossovo, serving under the green banners of the Prophet, and at Lepanto they sought death in the sea rather than strike their flags to the fighting galleys of John of Austria. They contributed many brave soldiers to the Greeks in their wars against the Turks, and it was Marco Bozzaris, whom Edward Everett, afterward our great Secretary of State, visited in his hero-worshiping student days, who actually achieved, so far as it was the work of one man, Hellenic independence. And the Albanians took part in the struggle for Italian unity in the person of Francisco Crispi and a score of others only a little less prominent. In a word, I think it is quite possible that a race or a clan who gave Achilles to Homer, Alexander to the world and to Plutarch, may still have the makings of a nation, although they may never have been able to contrive an alphabet without outside help, as is the taunt of their unfriendly neighbors, the Slavs.

The Italian contingent of Albanians, of whom the late Premier Crispi was the most prominent member, is deserving, I think, of more than academic or antiquarian interest. It is destined to exert a great political influence in more ways than one upon the future of their kinsmen who remained at home. The Albanians of Central Italy are conservatively estimated to number more than 200,000 souls, and though some of these families have been established in Italy

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for over four hundred years they still speak of the eagle's nest across the Adriatic in the track of the rising sun as home. Undoubtedly it is these Albanian colonies abroad, men who yielded to economic rather than to political conditions, who have founded flourishing colonies in Egypt, in Austria, in Rumania, and, last of all to-day, in America, who have revealed to their kinsmen at home the methods of modern resistance, the insufficiency of mere stalwart fighting, and who are now furnishing them with the sinews of war. It was these overseas Albanians who first originated the idea of an autonomous Albania under the suzerainty of the Sultan at Stamboul, a plan now discarded, or, at least, unpopular in their councils because of the embittered sanguinary battles they have been compelled to carry on for the last four years almost without interruption with the Young Turks in defense of their ancient rights and privileges.

It was in the days of Abdul Hamid that the Albanians enjoyed high esteem in Constantinople. Hardly were the camp-fires out or the typhus graves at San Stefano filled when the Sultan emerging from his great defeat with unbroken spirit summoned the fighting begs of the high Albanian hills to him, and while the diplomatists of Europe assembled in Berlin were making and unmaking maps as though they were of no more importance than dinner-cards, the Sultan, Abdul Hamid, formed that Cangra, or Albanian League, which is largely shaping the destinies of this part of the world to-day and is certainly a power that the Conference of London will have to reckon with. The conferees should bear in mind how easily the pompous arrangements of the Berlin Congress, which had behind it a more united Europe than exists to-day, were reversed by these rude mountain men. One of the most fantastic arrangements of the congress was to refuse Montenegro something she did want and had perhaps a historic claim to for fear of displeasing Austria and of giving her as a consolation prize something she did not want, an Albanian district which the Sons of the Eagle were soon to show that they were quite capable of defending. The wily Sultan acquiesced apparently in the decision of the congress, but he covered the mountain begs with decorations, and, loading them down with rich gifts, sent them back to their hill folks more sternly resolved than ever to oppose the advance of the Slavs, and especially the encroachments of Servia and Montenegro. While

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Europe was still deliberating in Berlin three hundred representatives of the Albanian clans and flags met at Prisrend. They sat in the chief mosque and resolved that " we men of Albania will on no account allow any of our territory to be ceded to Greece, to Montenegro, to Servia, or to any other country, and we give fair warning that all land taken from us must be restored." Europe did not heed the warning, but two years later it learned the lesson, and the lands that had been taken from the Albanians and given to the Montenegrins were restored. After the great treaty was signed between the powers, the Sultan only acting under the pressure of shotted guns and the fleets of war-ships threatening his capital, sent that unfortunate diplomat, Mehemet Ali Pasha, on a more or less secret mission to explain the ins and outs of the complicated situation to the Albanian begs. He assembled them all again in the great mosque at Prisrend to tell them what had happened in Berlin, to assure them that by a confidential arrangement with the Sultan the Austrian occupation of Bosnia and Herzegovina would only last two years. But the begs were suspicious, and to begin with they killed the envoy's telegrapher, fearful that he might summon regiments over those " wires of the devil " that had been surreptitiously introduced into the country. They spat upon Mehemet Ali and called him a traitor, and even cast him into prison, but he was released after four days and some of the begs rallied to him, understanding, as they did, the difficulties of the double rôle that the Sultan was playing in the face of Europe and in the face of Albania.

An open struggle now ensued with tragic results. Intervention in Albania was then and is now a dangerous thing. Within ten days Mehemet Ali was defeated and burned alive in the fort of Djakobitza, where he had taken refuge. In the end Albania was pacified, both Europe and Turkey accepting the terms which the mountain men dictated; and the country remained comparatively quiet until 1884, when the troubles broke out again which have lasted to this day. During all these years it is estimated, I believe conservatively, that not twenty per cent. of the Albanian males have died what we would call natural deaths. With the possibility of separation from the Turkish Empire becoming more and more apparent, of course pretenders to the Albanian throne have sprung up in large numbers. There is a certain Don Aladro, a Spanish ex-diplomatist, and the

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Castriotis from Naples, and last but perhaps most prominent of all a Prince Ghika of Rumania, a descendant, like all the others, of Scanderbeg on the distaff side. Prince Ghika has strengthened his propaganda by marrying an American lady of great charm and by promising a democratic constitutional monarchy.

The league which the former Sultan founded has been represented of recent years in the Parliament of the Young Turks, and its spokesmen are rather non-committal on the question of pretenders. Thirteen newspapers are now published by it, and Ali Bey Frechari, the son of the man who presided over the meeting at Prisrend, to-day directs the activities of the league. Prince Ghika signs his proclamations to the world in the name of the National Assembly of Albania and of the national committee for the Albanian renaissance. But there is little reason to doubt that in the end the league will produce a new man to lead, one who is fighting the present battle, probably one of the Mirdite chiefs who live in the picturesque valleys to the south and east of Scutari. This clan is composed of the only indigeneous Catholics on the Peninsula, and they have many friends and powerful protectors both in Rome and in Vienna.

It is not without interest to recall to-day, if but to show how unevenly the world moves on its way, that Gibbon wrote of Albania as "a country within sight of Italy which is less known than the interior of America." The Albanians now dwell in five Turkish vilayets. The boundaries of their lands are, of course, unsettled and certainly they are frequently contested by rival claimants, but from the plains of the Vardar to the Adriatic and from Thessaly to Montenegro the Albanian is lord of the country and master of all he surveys either by right of might or of prior occupancy, or by both. By blood and language, by creed, by manners and customs, the Albanian separates himself from all other inhabitants of the Peninsula and stands alone on his native hills which he loves so well. On the south he joins with the Greeks, and toward the north and east with the Slavs, but nowhere does he mix with his numerically stronger neighbors and nowhere is he assimilated. Indeed, with the characteristic pride of the highlander, the "sons of the eagle," or *skypetars,* as the Albanians call themselves, despise their neighbors one and all, and whether as Grand Vizier in Stamboul or as a simple

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starving shepherd in the Pindus Mountain, your Albanian remains an aristocrat, a free man, a noble. The humble Bulgar of the Macedonian valleys may plow for the Turk and pocket his pay with many salaams, but the Albanian remains king of the barren mountain heights, hunter and shepherd, soldier of fortune, and sometimes brigand; but lowly, steady work he abhors, and when, as sometimes happens, he is driven to it by stern necessity, he goes to a distant land, to Rumania, to Italy, and even to America, and, changing his name, works incognito.

In Albania the legend runs that when the Turkish Horde appeared in this part of the world and sought to subdue the rulers of the hills, the great Pasha said, "I will be your Chief Sword [leader]." Then he read the Sheriat, a book of Turkish law, and said: "You must cease your grief. This will comfort you. Take off your black *ghurdi* and put on the Turkish *ghiube*." But the Sons of the Eagle answered, "We be mountain men and we are ruled by the law of the mountain, and our short black jacket we wear in mourning for our Scanderbeg, who, though he is dead, ever leads us in the fight."

So to-day the law of the Albanian lands is neither Christian nor Koranic, but there is a code of the mountains as unalterable as were the laws of the Medes and Persians, which, at least until quite recently, was unwritten. This code Dukagin, so called from the princes of a family who long ruled districts of Albania and which has been generally accepted by the leading men of other clans and flags, is transmitted by tradition in certain families which have arrogated to themselves the rights and privileges of custodians of the law, and who are as well the possessors of certain variants of the Homeric songs, the only true versions they claim. The questions treated in this mountain code are certainly not novel and are somewhat monotonous to the dweller in cities. Provision is made against the stealing of animals and trespassing on land. However, these matters invariably lead to, if they do not end in, murder, and the dockets of the mountain court are rarely crowded. The rifle has generally done its work before the pleadings are made before the court of Elders, but the law of the blood feud or vendetta which is also set forth in this code is as interesting as it is wonderfully intricate.

When it is remembered that sixty per cent. of the Al-

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banians are killed in feuds and personal warfare and that in some districts these terrible figures run up to eighty per cent., it may be readily understood how absorbingly interesting these laws of the vendetta are to the Albanian boy when in his twelfth year he has his head shaved and becomes a possible target for any one at feud with his family or with his cousins ten times removed. The law of the mountain, according to the code Dukagin, says blood that has once flowed cannot be lost or forgotten. It must be wiped out with more blood, but two serious wounds are the equivalent of one dead man, and under these circumstances the feud can be set aside. He who has fired on an enemy without hitting him is not only discredited, but "has taken his enemy's honor," as is the expression of the country, and he must and does expect to be killed at the first opportunity. But where no blood has been spilled vengeance may be satisfied by the payment of an indemnity to the offended party; otherwise there begins an interminable vendetta which compels all males of the families involved, except priests, to be ever on their guard.

When each family has scored an equal number of murders, it is permissible for the Elders to intervene and order a general *bessa,* or pacification. Sometimes, but not always, one of the families refuses to desist, and it is then not infrequently condemned to see the family home set on fire and all its members driven into exile by due process of mountain law. When this is decided by the council of Elders the duty of applying the torch devolves upon the *bayraktar,* or standard-bearer, of the clan. As the family that is condemned to see its household goods go up in flame is frequently inclined to fight, no one not belonging to the tribe, however much he may want to, is permitted to take part in the row, for, as the code in an unusually humane spirit sets forth, should this interloper be killed a vendetta between the tribes would ensue and hundreds of men might be uselessly slain.

Women are everywhere not only respected by the terms of the code, but in actual Albanian practice. If a man kills a woman it is not only a shameful act, but he and his family owe two lives to her family. Curiously enough, the only marked disobedience to the ancient code in popular practice to-day is in the matter of the murder of a married woman. The code says that the husband must take up the vendetta and that in case he should prove recreant to his duty

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he owes blood to the family of his wife, whose members must immediately seek to encompass his death. However, in practice there are Albanian districts where the custom is quite different. In these places the husband of the deceased woman immediately informs a male member of his wife's family of what has happened and then withdraws entirely from the affair. They notify him and receive his congratulations, however, when the mountain law has been satisfied. In case the woman's death has been accidental, a more or less amicable arrangement, although it smacks somewhat of commercialism, also can be made with the husband by paying an indemnity, the minimum figure of which is three purses, or sixty dollars. A valuable and highly appreciated wife, however, has been known to cost a careless marksman as much as three thousand dollars.

Should a man be forsaken by his wife for another, the mountain code places him in rather a difficult position. The code and the council of Elders give him the right to kill both the woman and the man, but if he does so he places himself in unpleasant feud relations with two clans. This will be opening a sad account, and the husband often hesitates. Under these circumstances, a somewhat effete custom is creeping in. He informs the family of his wife of what has happened, and if they are convinced of the truthfulness of his statements they approve his vengeance and send him one, two, and even three cartridges, according to the grade of the injury which they find he has received. These cartridges he uses at his best discretion, but no more. Even if he succeeds in killing those who have wronged him, no blood is owing and no cry for vengeance is heard. According to the custom, he has acted as a mere agent and has simply used a ball cartridge which he did not buy and which did not belong to him. In some districts this subtle distinction is being extended to other fields and to cover other cases. Sometimes, though rarely, in these stern hills, where life is indeed a struggle from the suffocating cradle to the shallow grave, a man has not the courage to seek revenge for an injury received, and he places the matter in the hands of a more reckless neighbor, giving him a sum of money and a few cartridges. If the deal is successful and the man designated is murdered, the assassin does not consider himself a murderer nor is he so regarded. He is simply a man who was hired to do a certain piece of work. As in

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other lands, arrangements can be made with the law and even with the representatives of Heaven; so it is, too, with the rules laid down in the mountain code. Every crime can be commuted by money payments except one, and that is a breach of the laws of hospitality. You may kill a man's brother or his mother or his wife and he can be bought off and the matter arranged without loss of prestige to any one concerned, but if the stranger who has broken bread with you or who has last been seen within your gates should be killed you must pursue his murderer and his murderer's family until at least four lives have been taken. There is no escape from this; the only alternative is to forsake your clan, go abroad, and become an outcast.

Of course Turkey, by her want of military efficiency, has forfeited her right to survive, and the European Concert wipes its imperial and royal hands of her. If the Balkan Allies but maintain a working agreement, Turkey can and may well be carved down to the bone or up to the Chataldja lines; and the famous mass in St. Sophia which was interrupted by Muhammed the Conqueror may be resumed, as the Balkan legend has always held it would be, although the language in which that mass was said and in which it should be resumed is a disputed question that may yet bring the Balkan alliance into still further confusion. The Porte, at least, has no illusions as to the European Concert in its present phase, and, consequently, turns to its conquerors of yesterday, to the victors of Lüle-Burgas, rather to its patrons of the last twenty years, and asks to be admitted into the Balkan League.

The questions that come before the London Conference should not be difficult of solution if there exists a modicum of good-will and a spirit of concession on all sides. Turkey in Europe must pay the piper, and there is no geographical reason, at least, why Bulgaria should not be satisfied as well as Montenegro. Perhaps even the land hunger of the Greeks could be appeased. The clash will come, if unhappily it should come, on what Mr. Asquith calls the isolated questions; and while there are others in the background equally disturbing, it is Servia's demand for a window on the Adriatic that has practically mobilized a million men in the armed camps of Russia and Austria. For the victorious Servians have crossed some of the low-lying Albanian lands, cutting off Austria's march to the Ægean,

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and at Durazzo they have planted the flag of Stefan Dushan, whose extensive empire, of nearly six hundred years ago, they seek to restore. Servia's probable disappointment in this direction is serious enough in itself, but the indirect consequences are still more alarming. For once their interests are safeguarded; the statesmen of the Dual Monarchy are very free in offering Servia compensation in other directions. For instance, there is that window on the Ægean which Austria generously concedes at the expense of Greater Bulgaria. And even that most niggardly form of consolation offered Servia, the conversion of Salonica into a free port through which she could seek markets in the outside world and not be, as she now is, subject to the political caprice and economic supremacy of Austria, is not without its obvious advantages.

The vision of the restored empire of Stefan Dushan appeals to the poetry of the Servian soul, of course; but what is really wanted is a fair and open market for those lean, prolific Servian pigs that can never be fattened on the banks of the Sava. All Servia's wealth lies in her pigsties, and, unhappily, the only way her pork can be converted into money, to-day at least, is in the Austro-Hungarian cattle markets. It is an unpleasant situation in which these high-spirited people find themselves. Naturally, the Servians want a seaport and an open door to Chicago. How many times it has happened in the very recent past, just when Servia was about to cash in fifty million pigs, the Austrian inspectors came along and, discovering hog cholera, placed an embargo upon the exportation of the great national asset. Of course you can never persuade the Servians that cholera really existed, or that Austria acted from any but the most sordid political motives. Certain it is that Belgrade is an unpleasant place to dwell in while these pig wars are being waged, and thousands of ghostly hogs of greyhound build, innocent victims of man's inhumanity to man, scavenge through the streets and even force their way into the restaurants and cafés.

It is plain that the unexpected demands of Greece are quite likely to prove as formidable obstacles in the path of peace as are those more apparent stumbling-blocks which have resulted from the clash between Austria and Servia as to the future disposition of those districts of Turkey where the Albanian predominates.

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It is to-day quite apparent that the Greeks are not only asking very much more for themselves than it was expected they would ask, but that they seem to be offering encouragement and even support to the Turks to refuse to accept the terms which their late allies are tendering. The fuller details will doubtless be unfolded in one way or another at the London Conference, but even to-day it would seem apparent that the government in Athens is urging Turkey to refuse the autonomy of Macedonia because that would only be helpful to Slavonic interests. If this is true and is borne out by the formal deliberations at the conference, the split could hardly be wider or deeper or more pregnant with unpleasant possibilities. It cannot well be denied that the Greeks are acting very selfishly in the matter. Their claim that the great majority of Macedonians are really Greeks and should go with the Greeks of the kingdom having been generally denied and not being true, they seem to prefer that the unfortunate inhabitants of the disputed vilayets, whether Greeks or Slavs, should still remain in one form or another under the Turkish yoke.

The second demand from Athens is still more disconcerting. Turkey is asked—in fact, with the hauteur characteristic of a nation that possesses one or two war-ships that can leave the harbor in fair weather—is even ordered to transfer all the places at present occupied by Bulgarians, from Kavala to Monastir, to Greece. In other words, to cede all those districts of Macedonia which have a tinge of Greek culture and a fringe of Hellenic population, and which, consequently, in the eyes of the statesmen of Athens, are wholly Greek. And the third demand, which is that the Epirus Pass to Greece, with a frontier from recently bombarded Avlona to the Vistritza River, trenches on a territory partly, at least, Albanian, and at present fully and most troublesomely occupied by the conflicting claims of Austria and Servia and by the demands for the independence or at least the autonomy of the Albanians.

An encouraging and almost reassuring feature of the news is the equanimity with which, on the whole, the great powers view the apparently desperate efforts of some of the lesser and more irresponsible nations to provoke a general conflict or to make it appear they want to, which would answer their purpose, probably, quite as well—indeed, better.

STEPHEN BONSAL.

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NEW BOOKS REVIEWED

MARK TWAIN. By ALBERT BIGELOW PAINE. New York: Harper & Brothers, 1912.

IT seems uncritical to speak of a biography in three excessively heavy volumes, of two hundred and ninety-six chapters, one thousand six hundred and eighty-five pages, and twenty-four appendices as a perfect biography. The first exclamation is, "Could even Shakespeare hold our interest so long?" and the answer from him who has begun to read it is, "Mark Twain can." Perhaps if this book were biography pure and simple it would be disproportionate, but it is not only the life of Mark Twain, vivid, varied, valiant as that was; it is an epic of the soil, the history of a century, the growth of a nation, and the characterization of most of the great men of thought and action of that time.

Mark Twain's life opened in a tiny Missouri village—a country still disorganized and unassembled, reaching out after the beginnings of civilization. It was all promise and negligible future, and doubtless for those who coped with its imperfect beginning it was all struggle and no comfort. It is typical of Mark Twain, of his beautiful sincerity of nature, and total lack of affectation and artificiality that he labeled the picture of his second home, a one-storied shanty, with an oblong door in the center and a window either side: "No, it is too stylish; it was not my birthplace."

His beginnings were as humble as Lincoln's, and doubtless much of his deep philosophy of life came from his early, untrammeled intercourse with the realities of men and things. There seems no doubt that he inherited his wit from his mother, Jane Lampton, of Kentucky. Certainly he inherited her delicately aquiline features, keen eyes, and refinement of face.

That his peculiar genius was born in him is illustrated by his very first experience at school. He was entered in the school of a Miss Horr, who received twenty-five cents a week per pupil, for which munificent sum she opened a daily school with prayer, read a chapter in the Bible, gave explanations of the rules of conduct, had a hand-to-hand struggle with the A B C class, and then expounded the three R's. The little Sam was interested in the rules of conduct, chiefly calculating how much he need trim to sail close to the danger-line and still avoid disaster. He made two miscalculations the first day, and was sent out to select a switch for his own correction. It was a hard choice, though he had the forests of Missouri to choose from. A shaving had blown across the road from a cooper-shop, and this furnished him inspiration. He picked it up and

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solemnly carried it in and laid it on the teacher's desk. It was a truly Mark-Twainian feat at five years old. At this same age he was indifferent to the values and the safeguards of prayer, but preferred sitting up in bed and telling the astonishing adventures of his day. Some one, expostulating with the mother, said: "You don't believe anything the child says, I hope." "Oh yes," she replied; "I know his average. I discount him ninety per cent. The rest is pure gold." And again, "Sammy is a well of truth, but you can't bring it all up in one bucket."

Like all great geniuses, he was born with the distinguishing qualities well marked. His marriage seems to have been one of the rare and perfect ones of earth. The biographer says of Mrs. Clemens: she was "conservative, dainty, cultured, spiritual. He adored her as little less than a saint, and she became indeed his saving grace. She had all the personal refinement which he lacked, and she undertook the work of polishing and purifying her life-companion." These last words are not wholly felicitous, for a soul so aflame for the true righteousness which is justice, mercy, and sincerity, could need no purifying, however much it needed polish. To the last there was the touch of the wit's braggadocio about Mark Twain's lack of polish, and among his keenest arrows was his utter disregard of artificial conventions. His generosity never faltered; his truth to obligation was unfailing, and he was never lured to rate the world's approval at a higher than its actual value. We cannot say this of many men.

The whole volume is a spread-out temptation to quote, for it is a veritable mine of anecdote and adventure. Here is one bit that illustrates the beautiful relation of husband and wife.

On finishing the *Equator*, it was handed to Mrs. Clemens for editorial revision. On the margin are the following notes:

Page 597. "I hate to say it, but it seems to me that you go too minutely into particulars in describing the feats of the aboriginals. I felt it in the boomerang-throwing."

And Clemens, just below, has written:

"Boomerang has been furnished with a special train—that is, I've turned it into 'Appendix.' Will that answer?"

And critic and author continue alternately:

Page 1002. "I don't like the 'shady-principled cat that has a family in every port.'"

"Then I'll modify him just a little."

Page 1020—ninth line from the top. "I think some other word would be better than 'stench.' You have used that pretty often."

"But can't I get it in anywhere? You've knocked it out every time. Out it goes again. And yet 'stench' is a noble, good word."

Page 1038. "I hate to have your father pictured as lashing a slave boy."

"It's out, and my father is whitewashed."

Page 1050—second line from the bottom. "Change breech clout. It's a word that you love and I abominate. I would take that and 'offal' out of the language."

"You are steadily weakening the English tongue, Livy."

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Page 1095. "Perhaps you don't care, but whoever told you that the Prince's green stones were rubies told an untruth. They were superb emeralds. Those strings of pearls and emeralds were famous all over Bombay."

"All right; I'll make them emeralds, but it loses force. Green rubies is a fresh thing. And, besides, it was one of the Prince's own staff liars that told me."

Volume III. is full of the fruits of old age: sorrow, losses, and loneliness, with fame, honors, and friendships. It is of the spirit, too, of this great man that he never quite reconciled himself to a world so deeply at odds with the human heart. "A man," he said, "who is a pessimist before forty-eight knows too much; and a man who after forty-eight isn't a pessimist knows too little."

He had, this great genius, the pessimism of Shakespeare, which from the sonnets to "Timon of Athens" never once juggled with the vanity of the world, but to the last speaks his "contempt of nature." To the last Mark Twain was never dazzled; he had a quaint and whimsical way of speaking of "the damned human race," and he congratulated and envied the happy dead. As time passes, doubtless Mark Twain will come more and more to his own, and will stand not only as one of our most original and vital geniuses, but as one of our truly great Americans. His mind was unfettered by traditions, and he was, beyond all other American writers of his time, unless one except Walt Whitman, the vigorous natural growth of young American soil. The English, who are keen critics, are not so wrong in their enthusiastic acceptance of him.

South America. By James Bryce. New York: The Macmillan Company, 1912.

Mr. Bryce visited South America in 1910, about a century after her Spanish-American peoples began the process of getting rid of Spanish rule, or misrule. He traveled through all the countries that compose the southern continent except Colombia, Venezuela, Ecuador, Paraguay, and the Guianas. The observations made and the impressions received during four months of travel, under favorable circumstances, in seven different republics, would justify six volumes rather than one.

The course of our author's journey took him first to Panama, which he includes in South America, and the Canal Zone. He pays due honor to the work of building the canal, "the greatest liberty man has ever taken with nature," and to the efficiency and skill of Colonel Goethals and his guardian angel, Colonel Gorgas.

Sailing from Panama to Callao (Guayaquil was under quarantine), the traveler encountered the great Antarctic, or Humboldt, current, a worthy rival of the Gulf Stream, which chills the ocean and the land, and causes fogs and clouds that obscure the sun and cut off the view of the coast. Chapters II., III., and IV. are given to "The Coast of Peru," "Cuzco and the Land of the Incas," and "Lake Titicaca and the Central Andes." While Peru is not in the same class with the southern and eastern republics, Chili, Argentina, Uruguay, and Brazil, it is quite as interesting, not only because it was the scene of Pizarro's conquest and the headquarters of Spanish dominion, but for its scenery, its

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cities, its government, and its people; but where it is impossible to dwell upon each of these countries, a selection must be made, and the lot falls on "La Paz and the Bolivian Desert," certainly one of the most interesting chapters. Bolivia has no good reason for not being a part of Peru. In Spanish times the viceroyalty of Peru included not only Bolivia, but what is now Argentina as well. It takes its name from Bolivar, the "Liberator," himself a Venezuelan. With an area greater than that of Germany and Austria-Hungary, it has a population no larger than Denmark's. The white population of 200,000 constitute the real political Bolivia. This ruling class is not entirely of pure white blood, but most of them have a mixture of Indian blood. Most of the population live on a plateau, much of it eight to ten thousand feet above sea-level. On this "wind-swept roof of the world" it is always cold; the mean temperature is fifty degrees; to be comfortable a European must be in the sunshine; there are no fires, no fireplaces, and practically no fuel. At night the water freezes in the sleeping-car. The natives do not mind it. They seem satisfied with their lot and with the pleasures afforded by their fairs and festivals, their alcohol and the coca leaf. To the chewing of this leaf all the Indians are addicted, and it enables them to endure days of fatigue without food. It seems entirely innocuous, though the terrible cocaine is its concentrated essence. These native Indians, forming nine-tenths of the population, are entitled to vote, but do not do so. They care nothing for government. "He neither loves nor hates, but fears, the white man; and the white man neither loves nor hates, but despises, him." "Neither of them ever refers to the Conquest. The white man does not honor the memory of Pizarro; to the Indian the story is too dim and distant to affect his mind."

There are six cities in Bolivia, and of these La Paz, with a population of 50,000, is the virtual, though not the official, capital of the republic. La Paz is interesting not so much because of what it is as because of where it is. There is nothing for the stranger to do but wander through the market and buy vicuña rugs. Yet it is a "fascinating spot." It is at the bottom of a pit, yet it is the loftiest capital in the world. The traveler as he approaches looks in vain for the city. He leaves the train at the station, still wondering where it is, walks a few yards, and then "suddenly pulls up with a start on the edge of a yawning abyss," and at the bottom of this abyss is the city. His first view is literally a bird's-eye view. "It is a picturesque place, with a character so peculiar that it makes for itself a niche in the memory and stays there, as being unlike any other place." A ride of seven miles from the city takes one to a land of rubber, alligators, and jaguars. One of the city's fascinations is "the magnificent snowy mass of Illimani, towering into the blue sky, with glaciers which seem to hang over the city, though they are forty miles away, its three pinnacles of snow turning to a vivid rose under the departing sun." Indeed, as might be expected of an ex-president of the Alpine Club, Mr. Bryce again and again records in vivid language the glories of the majestic peaks of the Andes, to which he turned so often his admiring and, we suspect, longing eyes. Bolivia needs, above all, railways, and many are being built; and ere long—if it is not already the case—there will be a through line from Arica, on the Pacific coast, *via* La Paz, to Buenos Ayres, by which one may make the trip in four days.

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The next six chapters are devoted to "Chile," "The Straits of Magellan," "Argentina," "Uruguay," and "Brazil," and to a trip across the Andes from Chile, by way of the railway through the Uspallata Pass, to Mendoza in Argentina, and the return by the same route. Of these we have no space to speak, not even of the "Christ of the Andes," in one way the most remarkable statue in the world.

The remaining chapters are entitled "The Rise of New Nations," "The Relations of Races in South America," "The Two Americas and the Relation of South America to Europe," "The Conditions of Political Life in Spanish-American Republics," and "Some Reflections and Forecasts."

In these days when the provision of food for the world, space for the growing populations to live in, results of the mixture of races, the effects on commerce of the Panama Canal, and the validity and value of the Monroe Doctrine, are questions which more and more demand attention, this book is valuable, not only because of its timeliness, but peculiarly because of the competence and position of its author.

LONDON LAVENDER. By E. V. LUCAS. New York: The Macmillan Company, 1912.

Mr. E. V. Lucas is so prolific as to inspire distrust. He is among the few authors who has gained such mastery of his craft that he can have three new books at a time on the market. Of the three issued this holiday season, *London Lavender* is the most charming. In this volume Mr. Lucas follows the vein of *Over Bemerton's* and *Listener's Lure*. It is a volume of thirty-eight essays, with a thread of story and the same characters reappearing. Mr. Lucas has a real genius for touching off a character in a few words, and then making it live and speak a consistent part. Adolphus Heathcote, a young man about town, is an entirely delightful bit of portraiture, done with humor and accuracy. Sir Gaston Ingleside, with his touch of Mr. Lucas's own genial yet reticent humor, is as delightful, and Naomi is an ideal feminine character, drawn as a man sees her.

It is Adolphus who comes to the writer for advice as to marrying the young lady to whom he has been engaged several years.

"Look here, Mr. Falconer," said Dollie; "you know the world and you're married. What do you advise me to do? Do you think I am really a marrying man?"

"Not impetuously," I replied.

In the end the counselor advises Dollie either to "cultivate the bump of philoprogenitiveness, which is a counsel of perfection, or else to follow the example of an illustrious statesman and cultivate an attitude of expectant hesitancy."

It would be misleading to speak of Mr. Lucas's book as profound or informing. But for those who like to look at life and humanity through the mind of a gentle and humorous observer, few modern volumes contain as fine a glass as Mr. Lucas's. His books are not unlike English counterparts of the writings of our own humorist, Edward S. Martin. The book contains one or two good short stories contained within the long one, as in the chapters entitled: "In which I become the very opposite of a thief, yet feel all a thief's guilt," and "In which a company of intel-

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ligent and, for the most part, conceited men meet more than their match." There are several chapters on the "Races," an entrancing one on "Bathing at Rimini," and an interesting one in which four novelists discuss their craft. Although strange names are given these writers, it is quite easy to detect Galsworthy as one of the big guns, who is an urbane reformer, with a warm heart, passionate sense of justice, universal pity, and fastidious taste. Wells is surely the gentleman who is "an uncompromising analyst of the body and mind in revolt and the friend of freedom"; while the writer who does "provincial epics with a Dutch brush, but with the expansive view and detached tolerance of an arbiter throned on a star," can be no other than Arnold Bennett. We were less certain when we tacked Locke's name to "the sentimental humorist and humorous sentimentalist of middle-class London."

Who reads this book and smiles will keep it for future cheer on the humorist's permanent shelf.

INTRODUCTION TO THE POETS. By W. F. RAWNSLEY. New York: E. P. Dutton & Co., 1912.

A naïve and odd little book is this *Introduction to the Poets,* and a very slight introduction indeed. The author admits that the essays are hardly more than a digest of what has already been published elsewhere. But to say "hardly more" is not enough. The essays are no more at all than the merest commonplace of biographical and critical data.

The tritest summaries satisfy the author; as when he remarks, for example: "Shelley was no reprobate; he had the moral sense strongly developed and a most acute sense of right and wrong, . . . but he was a sworn enemy to convention." As a definition of poetry he quotes with enthusiasm, "Poetry is the expression of the most beautiful thoughts in the most beautiful language." The papers herein contained are supposed to have been contributed to a little society for the study of poetry. The introduction speaks of a paper on Swinburne's "Atalanta," which sounds as if it might have been interesting, but alas, it is not included in the volume.

The world may be roughly divided into those who read poetry and those who do not. To those who do, the little volume before us would hardly be even a primer, and to those who do not it would certainly lack the vitality and originality to inspire interest.

THE COMEDIES, HISTORIES, TRAGEDIES, AND POEMS OF WILLIAM SHAKESPEARE, WITH MEMOIR, INTRODUCTION, AND NOTES BY RICHARD GRANT WHITE. Revised, supplemented, and annotated by WILLIAM P. TRENT, BENJAMIN W. WELLS, and JOHN B. HENNEMAN. Boston: Little, Brown & Co., 1912.

If it were only for the sake of the vivacious and interesting introductions to the plays by that scholar and gentleman, Richard Grant White, the present edition of Shakespeare would be welcome. But it has, moreover, an abundance of external and internal excellences. The volumes are just of handy size, light in weight, and bound in limp leather. The living editors have undertaken to annotate the original editor so as to

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bring his scholarship up to the present day and to take advantage of all the research done by Sydney Lee, Ward, Furness, and others.

They retain the order of plays chosen by Grant White himself, thus beginning toward the end of Shakespeare's career with "The Tempest," following the folio of 1623. The modern editors have chosen to interrupt the running text of Grant White's essays by insertions in parentheses of their corrections. It would have been pleasanter for the reader had these interruptions been massed as notes at the end of the essays, as it is a strain upon attention as it now stands to know just when one is reading White and when a long revision of White. Apart from this slight typographical error, the edition is all that the general reader could desire in form and scholarship.

THE OPEN SECRET. By JAMES THOMPSON BIXBY. Boston: The American Unitarian Association, 1912.

It is the thesis of this volume in ten chapters that the highest task and noblest privilege of man is to beautify and develop the human character; to become a co-laborer with the Holy Spirit in the blossoming and ripening of the soul. Few would take exception to the statement, and the question about which men are at odds is where and how to begin. Do we begin with men as we do with children by ameliorating the environment, by smoothing the surfaces of life so that the soul shall make swift progress, or are we to follow the advice which the very titles of the chapters suggest: "Vitality and Mechanism," "Atom and Spirit," "The Deep Things," "Purpose in Nature," "Law and Providence"? To be sure, if we had a world of perfected souls, politics and law-making, social justice and morals might take care of themselves. Are we, then, to direct our forces straight at the soul, or are we to deal with the more evident things, hoping ultimately to touch the soul?

"The eternal force inherent in every tiniest electron of the whirling molecules," writes Dr. Bixby, "is one that is ever repairing the organic decay, transmuting ooze and excrement into fragrant rose and luscious orange and dimpling babe." "The salvation and glory of man is to ally himself with this external Reality that ever works for righteousness, illumination, and widening love and harmony. It is by this august alliance with the Soul of our souls that the loyal individual's strength and influence are multiplied tenfold." The faith that the Philistine despises is the only one that will inculcate trust in the invisible forces of the moral and spiritual realm.

It is really a plea that, in the modern tendency toward materialism, the life-force which underlies all be not forgotten, which Dr. Bixby urges with eloquence and fervor.

THE ELDEST SON. By JOHN GALSWORTHY. New York: Charles Scribner's Sons, 1912.

If *The Eldest Son* is not as grave and penetrating a play as the *Pigeon,* it is at least more actable. It is a conventional plot treated with the new conscience. An autocratic English baronet is about to force a marriage between an under-gamekeeper and the village girl whom he

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has wronged, when an embarrassing parallel becomes known in his own family; the heir, having seduced his mother's maid, insists upon marrying her to right the wrong. All the arguments used to constrain the underkeeper are upset when applied to a different station in life; the clergyman, the thinking sister, the father, are confronted by a new aspect to the morality which is fixed enough when applied to the lower classes.

The drama is constructed with Mr. Galsworthy's usual mastery—a mastery undoubtedly introduced by Ibsen and learned by many of the younger members of the craft. There is not an unnecessary word in the play. The characters stand out with amazing definiteness. Mr. Galsworthy's patricians are as fine and as true as ever, and the old gamekeeper, who relieves the situation and partly annuls the tragedy, stands out as clear-cut and true to fact as if an entire volume had been devoted to him.

The play is, of course, a problem play not without its moral, but so handled that morality and problem play into the hands of art without in any wise tarnishing it.

Dancing and Dancers of To-day. By Caroline and Charles H. Caffin. New York: Dodd, Mead & Co., 1912.

There can be little doubt but that dancing is having a renaissance just now. Perhaps it is the one of the seven arts that may be said to have reached in the present day a culmination of development higher than ever before in its history. We cannot make this assertion of sculpture, with Phidias and the great Greek tradition in mind; nor yet of painting while we think of the Italian renaissance; nor even of music when we listen to Bach fugues and Beethoven symphonies; nor of architecture when we stand in the cathedrals of Chartres and Burgos; nor of drama when we see "Hamlet" and "Macbeth"; nor of poetry, with its many blossoming periods in different countries and languages. But of dancing, when we call to mind the supreme artists who have delighted us in the last half-decade, we feel fairly secure in asserting that never before has the art reached so high a point. The surprising matter is that it has not already produced a more voluminous literature of criticism and explanation.

The volume before us treats of the dance from the historic aspect of its development, the evolution of the ballet, and the extension of society dancing. It then treats separately the great artists that have demonstrated its power in recent years: Isidora Duncan, Maud Allan, Ruth St. Denis, Adeline Genée, Mordkin, Pavlowa, Loupoukowa, Sacchetto, and Wiesenthal. Of these artists, the first, Ruth St. Denis, Genée, Mordkin, Pavlowa, and Wiesenthal receive perhaps most generous treatment. Of the infinitely buoyant and youthful charm of Maud Allan not quite enough is said, and it is a mistake to say that she danced only in New York, for she appeared in Philadelphia during the winter of 1908.

Isidora Duncan and Maud Allan are, indeed, the great exponents of poetry in the dance. Their performances were an embodiment of lyric song itself. Ruth St. Denis in her dance of the Five Senses and her Incense Dance introduced religious symbolism and ecstasy into the dance. The Russians added drama, Sacchetto philosophy, and Wiesenthal's dancing, so our authors would seem to intimate, is an intimate interpretation of life and growth itself. Against the rhythmic beat of melody she

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dances, showing those yearnings of the soul which bespeak its development; the apprehension of life, the soaring of the soul, the relation of the human being to its earthly home, and its striving to connect this with something more enduring, more lasting.

This volume is written with real historic knowledge, appreciation, and enthusiasm. It is a valuable introduction to the new art which is now developing under our eyes, and which must have the intelligent sympathy of the general public to reach its best expression. The forty-seven beautiful photographs of modern dancers are an aid to understanding and appreciating this lovely art, which speaks in all countries the same language, which is finding its most talented exponents in those advancing nations, the Russian and the American.

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